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ABSTRACT

The current status of women employed in professional positions in educational institutions from preschool through the universities is reviewed to determine their relative employment status in comparison to men, and to identify discriminatory employment practices that have limited women's opportunities. Material for the study was gathered from a variety of sources ranging from scientific and historical studies to local reports from women's organizations. The most recent survey of research data available has been utilized; however wherever appropriate, such data have been compared to similar earlier data to highlight trends and to draw conclusions. Where hard data do not exist, issues are defined by reference to relevant articles, reports, laws, and court decisions. Chapters discuss the methodological approach; employment and salary; minority women; policymakers; hiring and promotion; discriminatory practices relating to fringe benefits; women's patterns of life and work; legislation, regulations, and executive orders; court cases; and recommendations. Footnotes are included at the end of each chapter and a bibliography of all reference material cited is in the appendix. (Author/MLF)

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SEX DISCRIMINATION IN EDUCATION:

A Study of Employment Practices Affecting Professional Personnel

VOLUME I: STUDY REPORT

Prepared for: National Center for Education Statistics
Education Division
U.S. Department of Health, Education, and Welfare

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I. EXECUTIVE SUMMARY AND METHODOLOGICAL APPROACH

I. EXECUTIVE SUMMARY AND METHODOLOGICAL APPROACH

A. EXECUTIVE SUMMARY

More than one-half of all employed women with four or more years of postsecondary education are employed as educators. Yet, save for elementary school teaching, there is no segment of the educational establishment where women are represented in equity with their training, experience, or expertise; and nowhere do they have an equal opportunity with men to advance in their chosen profession.

This report is part of the Congressional mandate under Section 408(f) (4) of the Women's Education Equity Act of 1974, which directed the Commissioner of Education to conduct a National, comprehensive review of sex discrimination in education for the Advisory Council on Women's Educational Programs. The purpose of this report is to review the current status of women employed in professional positions in educational institutions from preschool through the universities, to determine their relative employment status in comparision to men, and to identify discriminatory employment practices which have limited women's opportunities. Material for the study was gathered from a variety of sources, ranging from scientific and historical studies to local reports from women's organizations. Wherever appropriate, expert opinion from qualified observers has been used in defining the issues.

The study leads to the following conclusions:

1. Long-established employment practices of educational institutions have served as barriers to the appointment and, particularly, promotion of women on an equal basis with men at all levels of education.
2. Women performing the same tasks with the same qualifications as men do not receive commensurate salaries at any level; throughout the educational institutions women are provided inequitable fringe benefits.
3. The pool of available women is sufficient in numbers, training, and experience to fill more positions, and more responsible positions, than they currently hold.
4. Traditional life and work patterns, and psychological barriers to women's full participation in the educational job market--though they do exist--do not appear by themselves sufficiently inhibiting to explain women's comparative lack of progress in the field of education.

A section-by-section summary of the highlights of the report is presented below.

PRESENCE AND SALARY

Elementary and Secondary Schools

At the elementary/secondary level, women dominate the profession numerically through their greater presence in teaching, but men are present in greater numbers in administrative and decision-making positions and thus have the authority which comes with those positions. While there are a greater number of women in the system, their proportion at both the instructional and administrative levels has been dropping steadily over the past thirty-five years.

In 1948, 81% of the elementary and secondary school teachers were women. By 1973-74, women had decreased to 66% of the total. During this time men moved from a minority to a majority of all secondary school teachers. Elementary school principalships have also shown a decline in participation by women. In the National Education Association's (NEA) first survey of elementary school principals in 1928, women held 55% of those posts. In 1972 their presence had dropped to less than 20%. In senior high schools, where the number of women principals was always small, their representation fell from 3.0% in 1971 to 1.4% in 1973.

Women also experience inequities in salary. Men teachers generally attain higher salary levels than women teachers. This discrepancy results from factors such as salary supplements for extracurricular activities, the concentration of women in lower grade levels, and the extension of credit for military service and other experience which benefit men more than they do women. Higher salaries and a commensurate higher status are accorded to teachers at the higher grade levels and in subject areas where percentages of men are higher.

Differential in salary levels is one of the most important issues for the study of discriminatory employment practices, and more sophisticated research and analysis are required of differences at the elementary and secondary school level. It is clear, however, that the existence of a single salary schedule at these levels has not prevented inequities of salaries between the sexes.

Postsecondary Institutions

At the postsecondary level, the pattern of women's employment has not changed significantly over time. In 1975, women represented less than one-quarter of the faculties; there are more women faculty in the less prestigious institutions, more in colleges than in universities. Women also predominate in the lower, untenured, less well-paid faculty ranks. Furthermore, once women join the faculty at any type of institution, their promotions come more slowly than do men's.

During the course of their professional careers, women with doctorates fall behind their men counterparts in both income and faculty rank. Despite a recent rise in women Ph.D.'s, the rise in the percent of women in tenured positions has not equaled the rise for men, and women's increase in tenure does not reflect a similar increase in rank. While studies have found that since 1969 women have improved their position in academic employment and seem to be receiving initial appointments on terms that are comparable to men, the relatively improved position of women entering the profession is not matched with their attaining similar gains in promotions.

Data on the relative salary levels of faculty men and women over time show that there has been little overall change. In 1970, the median salary of female faculty was less than 70% of that of male faculty--virtually the same as in 1940. Data indicate that regardless of rank, type of institution, or discipline, women are paid less than men on the faculties of postsecondary institutions. With a few exceptions the difference of salary between men and women increased from 1973 to 1975 at all types of postsecondary institutions.

- Recent studies indicate a tendency toward salary equality for men and women at entry or junior ranks. At higher ranks, the salary differential is greater, with women receiving lower salaries. The greatest differential is at the highest rank at the most prestigious universities.

- Across all types of institutions, fields of specialization, and ranks, women have lower salaries than men who hold the same degree and have been teaching for the same amount of time.

- Women in faculty positions are concentrated in a limited number of traditionally feminine fields where salaries tend to be lower. Fifty-five percent of all women college and university faculty are concentrated in four of these subject areas: Art, drama and music; foreign languages; health; and English.

Minority Women

Employment patterns of minority women in education parallel those of other women: the higher the level of the educational institution, the lower the proportion of women. At the same time, there are significant differences by racial/ethnic group.

The highest percentage of minority women professionals in the teaching profession is Black. But while more Black women are employed at each educational level than women from other racial/ethnic groups, their relative percentage at each level is not equivalent to their presence in the population, except as kindergarten and prekindergarten teachers and vocational counselors.

- On the basis of numbers alone, Black women teachers in the South are more present than Black men or White women; but in the rest of the country both Black women and Black men are underrepresented in elementary and secondary education.
- Both White and minority women hold more low rank positions in colleges and universities than their male counterparts. The proportion of minority women in the lower ranks, however, is far greater than the proportion of White women.
- While White men are about two and a half times more likely than White women to be in tenured positions, Black men are ten times more likely than Black women to enjoy such higher status.

The characteristics of the three Asian-American subgroups in relation to their participation in the educational professions differ markedly. Among Japanese women, as among White women, 16% are in professional occupations and of these, 43% are in education. Among Chinese women, 20% are in professional occupations, but only 30% are in education. Among Filipino women, 30% are in professional occupations, but a mere 11% are in education.

Except for their higher participation in college and university teaching, the distribution of Asian-American women in the educational professions closely resembles that of White women. In all cases, the majority are teaching at the elementary and secondary school levels, and the number who are school administrators is miniscule.

Spanish and Indian women are the most underrepresented in employment as educators, both as a percentage of all women teachers, and as a percentage of all Spanish and Indian teachers. Spanish women are 4.6% of the population, Indian women 0.4%, but Spanish are 1.5% of all women educators and Indians 0.1%.

There is very little difference in the salaries of minority women and White women in the teaching profession, but the salary differentials between minority women and minority men are equal to those between White women and White men. Black women in the teaching profession enjoy a comparatively higher financial status than women of other racial/ethnic groups, whereas Spanish women in the educational professions tend to have markedly lower salaries than White women or Spanish men.

Policymakers

Data on policymakers in education are sparse, indicating the need for more extensive research. However, an examination of available data suggests that women are seriously underrepresented on policymaking bodies in education.

- At the federal level, there is a marked difference between the percent of educators employed nationally and the percent employed by the National Institute of Education or Office of Education. Furthermore, only 28% of the appointments to Advisory Committees at the Office of Education are women.
- The same situation prevails at the state and local levels, with few women serving either on Advisory Councils or as State Directors of Education or Vocational Education.
- At universities and colleges men are the large majority of members of Boards of Trustees, task forces, committees, and other policy-influencing groups.

EMPLOYMENT PRACTICES

Elementary and Secondary Schools

Although studies have shown that women have the degree requirements, course credits, experience, certification, and ability to be employed as principals and superintendents, the claim is made that the absence of women administrators in elementary and secondary schools is due to a lack of qualified women candidates. The claim is not supported by an examination of the system through which administrators are recruited, evaluated, and promoted.

Such analysis yields several factors that may have prevented women from moving into administrative posts: a male-dominated, closed loop at the decision-making level, and qualifications for administrative positions that are often not job-related.

Evidence suggests that when there is a choice to be made between hiring a man or woman as a teacher, the man has the advantage at every level:

- In 1940, 89% of the elementary school teachers were women; in 1974, the percentage dropped to 84%. In 1940, women were 58% of all secondary school teachers; in 1974, they were 47% of all secondary school teachers.
- During the last decade, women received twice as many degrees in education as men. Yet, compared to their degrees earned, more men than women were employed at every level in both elementary and secondary schools. Few studies have concentrated on the employment of teachers, but rather studies of employment practices at the elementary and secondary school levels related to sex have concentrated on the principals and administrators.

Postsecondary Institutions

The lack of available women has been one of the major reasons offered by higher education institutions for the low percentage of women on their faculties. Despite evidence to the contrary, women have made only minimal gains. Although there has been an increase in the employment of women in postsecondary institutions during the past few years, there has been no comparable increase in women achieving advanced ranks.

Current criteria for promotion in postsecondary institutions place a heavy emphasis on research and publication as opposed to teaching effectiveness. This works to the disadvantage of women who tend to prefer teaching to research. The emphasis on productivity also milatates against the development of objective criteria by which teaching can be evaluated. Furthermore, it has not been empirically established that productivity is a valid occupational qualification for all positions to which it is applied and in all the colleges and universities which utilize it as one of the criteria for promotion.

While the "old boy system" and rules against inbreeding and nepotism were not originally designed to exclude women, they have in practice also contributed to preventing qualified women from having access to many positions. Indications are that such practices are still being used, though more often as unwritten rather than written policies. There are no national data on the impact of federal regulations on hiring and promotion.

The doctoral degree requirement is also used, supported by HEW guidelines, as a hiring and promotion criterion, and as a means of determining availability even though most positions at most types of colleges and universities are being performed by men and women without the Ph.D. Furthermore, men without the doctorate are often better rewarded than women with the doctorate. It should be difficult, therefore, to prove that the Ph.D. is a bona fide occupational qualification in all cases and under all circumstances. Since proportionally fewer women or minorities obtain advanced academic degrees than do White men, the use of the doctorate as a selection criterion for hiring, promotion, award of tenure.

The federal guidelines do not require a college to lower or change its employment standards. All the government asks is that institutions specify their criteria, that the criteria be job-related, and that candidates be objectively evaluated. Consequently, short of overt sex discrimination, any qualifications for appointment and advancement that can be defended as being based on established performance criteria, no matter how discriminatory their end results, are permissible according to HEW Guidelines (although not by OFCC Regulations). However educational institutions often do not establish objective hiring and promotion criteria.

Difficulties are also posed by the confusing welter of job titles, disciplines, subfields, and organizational units in a large university. To be workable in a university setting, contract compliance must have clear guidelines to follow. If such guidelines existed, assessment of employment practices would be as appropriate to higher educational institutions as it is to any other industry utilizing large numbers of professional and managerial staff.

Fringe Benefits

Equal Opportunity Employment Commission (EEOC) and Title IX regulations make it an unlawful employment practice for an employer to discriminate between men and women with regard to fringe benefits of any kind. They also specifically forbid employers to differentiate in benefits available to employees, or to their spouses and families. Despite these strictures, discriminatory practices persist. Women employed by educational institutions are frequently excluded from fringe benefits, receive fewer benefits than men, or in other ways are treated inequitably.

Major issues affecting the employment of women in educational institutions are the discriminatory policies and practices relating to their childbearing role. Women's right to work before and after pregnancy has been sustained by the Supreme Court, and the requirement that pregnancy be treated in the same manner as any other temporary disability has been upheld by several U.S. Circuit Courts of Appeal. However, despite repeated warnings to the states to eliminate discriminatory practices relating to pregnancy, results have been negligible. Employers still appear to be waiting for a definitive decision by the Supreme Court, expected this year, before they alter their policies.

Other related issues include:

- Leave for childbearing and/or childrearing.
- Differing health care services provided to men and women.
- Retirement benefits: There are presently three laws, three federal agencies and three sets of guidelines that relate to equity in retirement benefits. The central issue, as yet unresolved, is whether women can be required either to make larger contributions or receive lower retirement benefits than men.

WOMEN'S PATTERNS OF LIFE AND WORK

Women's life patterns and the social roles to which they are assigned may reduce their competitive position in educational institutions and help account for their underrepresentation in postsecondary education and in leadership positions in elementary and secondary education. However, these constraints do not account for all employment and salary differentials between men and women.

Women's lack of success in the education professions compared to men is frequently attributed to the conflict between duties as wife and mother and those of professional educator. This analysis does not take into consideration the very large percentage of unmarried women educators, which reaches 52% of the women at the college level, compared to 13% of the men.

Married women educators, especially those with young children, must make compromises to pursue their careers, but few abandon them. Some drop out of the work force and then return; some accept part-time work; some work full-time by controlling their working hours, duties, or responsibilities.

The present trend is for highly educated married women not to leave the labor force at all (or only for very short periods after the birth of a child). Research has also shown that as many men as women interrupt their careers, but men do not pay the same penalty for doing so.

A variety of support systems can be developed by the educational systems to assist married women with children to continue their careers while performing their socially assigned role. The provision of child care and quality part-time employment, with benefits and protections comparable to those provided to full-time employees, are the most crucial.

Certain patterns appear to prevail for women in the teaching profession. Women seek academic settings where teaching rather than research is the primary activity: institutions below university level, classrooms rather than the administrator's office of the laboratory. They gravitate toward positions in the traditionally feminine disciplines that have the least prestige, least power and offer the lowest financial rewards. Younger women may be beginning to break out of this pattern, but, since teaching is a well-established role for women, the pattern seems likely to persist for some time to come.

Men also internalize the sex role stereotypes, but since the status quo is to their advantage, they, therefore, have less incentive to change.

THE LEGAL FRAMEWORK

Laws and Regulations

Title VII of the 1964 Civil Rights Act, the Equal Pay Act, Title IX of the Educational Amendments of 1972, and Executive Order 11246 regulate employment practices affecting women employed in educational institutions. (There are also numerous state laws and local ordinances which cover sex discrimination in employment.) The regulations cover discrimination in recruitment, hiring, promotion, and fringe benefits, and require that job-related performance criteria be established. Criteria which adversely affect women or minorities are unlawful, unless the employer can demonstrate that the skills measured by the criteria are job-related.

- Although EEOC's regulations and judicial enforcement offer the greatest support to women, it is impossible for EEOC to settle expeditiously all the higher education cases that are already before it due to the excessive backlog.

- Equal Pay is the only civil rights agency without an extensive backlog. Its success rate has been excellent compared to that of other civil rights agencies. However, many educational discrimination problems range beyond its jurisdiction.

- Executive Order 11246 requires that employers with contracts in excess of $50,000 develop and maintain an affirmative action plan, setting out the steps they are taking to eliminate discriminatory practices, particularly in the underutilization of women and minorities, and to rectify the situation.

- Because Title IX regulations were not issued until August 1975, three years after passage of the Act, it is too soon to determine whether they will concentrate on institutions of higher education, or will examine discriminatory employment practices in elementary and secondary schools as well.

The Courts

The most definitive statement by the higher courts on sex discrimination in employment practices has been in the area of fringe benefits. There have been few major decisions in hiring, promotions, or testing based on sex in educational institutions, but thus far it appears that the courts will apply to sex discrimination cases the same far-reaching principles they have established in cases on race. However, under Title IX and the Executive Order, sole jurisdiction for remedying sex discrimination is left to the federal agencies. Therefore, while the language of the Order is strong, the only relief available to women injured by violation of the Order (or Title IX) is through the administrative process.

The only judicial relief for individuals under the Executive Order and Title IX is to sue the agencies for failure to carry out their responsibilities; such a suit (WEAL et al. vs. Weinberger) is presently in the courts. But even if the suit is successful, problems will remain, since the courts have held that federal agencies will not be responsible for failure to comply with an order if the agency does not have the resources to enforce compliance. Since the federal agencies have inadequate budgets and extensive backlogs, this may eventually limit the utility of a court order.

Judicial enforcement appears to be the single most effective approach for challenging discriminatory employment practices based on sex. Those Title VII cases based on sex that have been heard have been well received by the courts. The major question still outstanding is whether the Supreme Court will follow the appellate courts (and its own history in matters of racial discrimination) in taking a strong stand against such discriminatory employment practices.

B. METHODOLOGICAL APPROACH

Three types of resources were utilized as the basis of the report: research and surveys that have produced primary data, analyses of primary data collected by other studies (secondary data), and authoritative commentaries based on expert knowledge of the literature or which dealt with issues not subject to data acquisition. No original data collection was undertaken as part of this study. Examples of primary data are Census reports, national or local surveys, or research studies. Secondary data include articles and books that have derived new analyses from existing data.

To secure these various levels of data we have:

- Compiled and examined a wide range of sources dealing with issues under consideration. These items range from newsletters such as that published by the Project on the Status of Women, to studies such as The Fleischmann Report on the

Quality, Cost and Financing of Elementary and Secondary Education in New York State and the recently issued Carnegie Report, Making Affirmative Action Work.

- Collected relevant statistical data such as those provided by the Census, as well as computer printouts from a variety of sources as they have become available.
- Searched a variety of professional journals, reference books containing abstracts, etc., for relevant articles relating to the subject area under investigation.
- Sought copies of unpublished dissertations, reports, and other documents.
- Checked bibliographies and footnotes that accompanied significant articles to make sure that all appropriate sources were examined.

These methods have not only yielded an extensive array of data and research studies, but have also revealed gaps in the data where more research is required and more precise data need to be collected. Volume II of this study presents a series of detailed annotations of the major sources which have been cited or used as resource material for this report. These annotations are intended to provide essential references for this report as well as a basis for further research and analysis on the question of sex discrimination in employment practices in education.

In the analysis of data and information, and its presentation in the report, the most recent survey of research data available has been utilized. Wherever appropriate, however, such data have been compared to similar earlier data to highlight trends and to draw conclusions. Thus, not only have individual data sources been analyzed, but where possible, data from different sources have been organized to provide an indication that a problem exists or that changes have occurred. Wherever necessary to verify the data, we have recommended that research be undertaken.

Where hard data do not exist, as, for example, in the areas of fringe benefits, issues are defined by reference to relevant articles, reports, laws, court decisions and so forth, that are appropriate to the issue being discussed.

Footnotes are included at the end of each chapter of the report. Tables which do not appear in the text are at the end of the chapter in which they are first discussed. A bibliography of all reference material cited in the footnotes is found in Appendix A of Volume I of the report. Additionally, two bibliographies, one of studies undertaken by individual universities, the other of studies by individual disciplines, have been appended to the annotations in Volume II.

II. EMPLOYMENT AND SALARY; ELEMENTARY AND SECONDARY EDUCATION

II. EMPLOYMENT AND SALARY: ELEMENTARY AND SECONDARY EDUCATION

An analysis of participation in professional positions in elementary and secondary schools indicates that while women dominate the profession numerically through their greater presence in teaching, men control the institutions through their greater presence in administrative and decisionmaking positions. Furthermore, as the studies and data presented here will show, the proportion of women at both the instructional and administrative levels has been dropping steadily over the past thirty-five years.

A. INSTRUCTIONAL PERSONNEL

1. Presence

Elementary and Secondary School Teachers

In the United States teaching in elementary and secondary schools has been traditionally regarded as a woman-dominated profession. 1/ Many women have entered teaching because of lack of opportunities in other professional fields. 2/ Since the end of World War II, however, the proportion of men entering the educational field has slowly increased, spurred by opportunities provided through the GI Bill of Rights, efforts to upgrade the teaching profession and efforts to "defeminize" the profession, particularly at the secondary school level. In 1947-48, 19% of the elementary and secondary school teachers were men. 3/ In 1957-58, the number of men increased to 27%, and in 1967-68, to 32%. By 1973-74, men represented 33% of the total. (See Table II-1 and II-2.)

Our society has also related status and prestige in teaching to the age of the children taught, and higher status appears to be accorded to teachers at the higher grade levels, where most of the men teach. Very few men are employed at the elementary level; slightly more are employed at the intermediate level; and since the school year 1959-60 more men than women have been employed at the high school level. (See Table II-3. and II-2.)

Women comprise over 80% of the elementary school teachers in the United States. According to the 1970 Census, there were 1,488,000 elementary school teachers, of whom 84% were women. 4/ A 1973-74 survey by the National Center for Educational Statistics (NCES) places the total number of elementary school teachers at 1,348,000, of whom 84% were women. 5/ The NCES data also indicate that the percentage of women elementary school teachers has declined from nearly 87% in 1959-60 to 84% in 1973-74. (See Table II-2.) 6/ A comparison of women with women and men with men indicates that during that period the total number of women elementary school teachers increased by 286,000 for a gain of 35%, while the total number of men teachers increased by 88,000 for a 71% gain.

While women are clearly a vast majority among elementary school teachers, they comprise slightly less than half of the secondary school teachers in the United States. In 1970, the Census recorded 1,004,000 secondary school teachers, of whom 49% were women. 7/ In 1973-74 NCES estimated that there were 1,058,000 secondary school teachers, of whom 47% were women. 8/ As with elementary school teachers, NCES data indicate that there has been a decline in the proportion of women secondary school teachers from 1959-60, when they represented 48% of the total, to 47% in 1973-74. During this period the number of men secondary school teachers increased by 265,400 for a gain of 89% and the number of women teachers increased by 216,000 for a 78% gain.

Few data exist on teachers by sex by individual grade levels. Findings from an NEA survey in 1970-71 suggest, however, that women are concentrated in the lower grade levels in elementary schools and, to some extent, in the junior high schools. (See Table II-3). 9/

Data on elementary and secondary school instructional staff by regions show marked differences, particularly at the secondary school level. According to the NEA, in the south 89% of public elementary school teachers and 55% of public secondary school teachers are women. (See Table II-4.) The western states, on the other hand, have the fewest women teachers. In that region, 79% of public elementary school teachers and 36% of public secondary school teachers are women.

The percentage of women teachers in private elementary and secondary schools is slightly higher than their percentage in public schools. In 1970, 86% of all private elementary school teachers in the United States were women (compared to 84% of all public school teachers) and 53% of all private secondary school teachers were women (compared to 48% of all public school teachers). 10/

The percentage of women teachers is particularly high in the Catholic schools where sisters have been a dominant part of the teaching force. (See Table II-5.) However, Catholic schools have seen a sharp decline in the number of sisters and men religious teachers (28% and 20% respectively from 1970-71 to 1974-75) and a slight increase in lay teachers (7% during the same time period). 11/

An analysis of the types of subjects taught by professional staff at the secondary level suggests that the distribution is related to the sex of the teacher. As Howard has noted, in high school, "math, science and the social sciences are generally taught by men while there are more women in English and foreign languages." 12/ Findings from three separate National Education Association surveys in 1961, 1966 and 1971 support this conclusion. (See Table II-6.) The studies show that over the decade 5 out of 12 subjects were taught predominantly by women while 6 out of the 12 were taught predominantly by men. The subjects taught by men and women fell into the anticipated traditional patterns: men predominate in health and physical education, mathematics, social science, music, science, and industrial arts; women predominate in home economics, English, foreign languages, business education, and art.

Comparing the 1971 sample with the 1961 sample, women apparently made some gains in the following areas: foreign languages and business education (both subjects in which women were already a majority in 1961), health and physical education (the largest proportional increase, women had shifted from a minority to a majority of teachers in this field only) and mathematics and music (both subjects in which, despite their proportional increase, women remained in the minority). 13/ These findings indicate that all students do not have equal access to a variety of role models of both sexes. (The question of traditional subject areas and role models is explored more fully in Chapter IX.)

Vocational Education Teachers

Analysis of vocational education staff by fields of specialty offers further and more extensive evidence of the way teaching assignments are linked to the sex of the teacher. In a 1972-73 NCES survey of vocational educators in secondary school systems, the numbers of men and women teachers were about equal, 51% men and 49% women. However, the women teachers were found almost exclusively in fields that have been traditionally "women's work"--home economics (99%), business and office (72%), and health occupations (88%)--while men teachers were found to predominate in such fields as trades/industry (89%), agriculture (100%), technical education (90%), and distributive education (77%). (See Table II-7.) 14/

Similar findings were evident in a 1974 Office for Civil Rights survey of area vocational technical schools. Women comprised just over a third of the teachers in postsecondary level Area Vocational Technical Schools (AVTS). 15/ They were well over 80% in the instructional staff in home economics and health occupations, and 50% of the business and office occupations. As at the secondary school level, the men teachers in the postsecondary AVTS sample were concentrated in trades/industry (92%), agriculture (94%), technical (81%), and marketing and distribution business occupations (72%). (See Table II-8.)

Preschool and Kindergarten Teachers

The data on preschool teachers, show that the teachers of young preschool and kindergarten children are overwhelmingly women. According to the Census, 16/ not a single man in the United States was employed as a preschool teacher in 1960. In 1970, only 2,649 men, or 2%, were preschool teachers. The proportions are similar in all regions of the country.

Data on professional staff in the Head Start program by sex are available only for administrative, teaching and other professional staff (exclusive of medical staff) combined. 1970 data for Head Start show that 89% of these positions were occupied by women. 17/

Other Non-Supervisory Instructional Personnel

In addition to classroom teachers, personnel in elementary and secondary schools include school librarians, school nurses, guidance counselors and other non-supervisory professional staff.

In NEA's 1972-73 survey of public school staff there were over 40,000 full-time public school librarians; 92% were women. 18/ In that same survey, some 17,000 full-time school nurses were identified; 99% were women. Women dominated professional staff of public schools because of their preponderance as school teachers, nurses and librarians. According to NEA, employment in these three categories accounted for 95% of all full-time professional women employed in the public school systems in 1972-73. 19/

In all other categories of non-supervisory professional personnel, which account for less than 5% of the total, men and women are about evenly divided. NEA estimates that there were some 50,000 full-time public elementary and secondary school counselors, 47% of whom were women. 20/ The Equal Employment Opportunity Commission's 1973 data based on 4,700 of the 17,000 school districts in the U.S. (those with 100 or more employees); show about 4,500 full-time guidance personnel, of whom 51%, were women. Also, of 22,000 instructional consultants, and 7,000 psychological personnel, just under 50% were women. 21/

2. Salary

Since the principal of equal pay for equal work is firmly established legally, inequity in salary levels is one of the most important issues in the study of discriminatory employment practices. However, the variables involved in determining salary levels at the elementary and secondary levels are complex, and insufficient attention has been paid to them, thereby making a definitive analysis of the issue most difficult. The findings outlined below reflect the current state of the literature and data on this topic.

While relative salary levels vary from one school system to another, most school systems operate under a single, negotiated salary schedule which establishes equal compensation levels on the basis of degrees and experience. 22/ Generally, however, the men teachers in any system obtain higher salary levels than the women teachers. This discrepancy may result from a number of factors including salary supplements for extracurricular activities, the concentration of women in lower grade levels, and the extension of credit for experiences which apparently benefit men more than they do women. Overall, men tend to be concentrated in those school systems, grade levels, and subject areas which pay more. 23/

Based upon figures from NEA's 1972-73 survey of public school instructional staff, the average annual salary for full-time men public school teachers was $10,654 while the average salary for full-time women public school teachers was $9,787. 24/ The higher average salary is, in part, a reflection of the greater proportions of men teaching in secondary schools where salaries are higher than in elementary schools.

U.S. Census indicates that the 1969 median earnings of women public elementary school teachers ($6,883) was only 82% of the median earnings of their men counterparts ($8,366). The 1969 median earnings of women public secondary school teachers ($6,975) was only 75% of the median earnings of men secondary school teachers ($9,247). 25/

Data suggest that the pay differential between men and women teachers has increased over time. Comparisons of teacher earnings for the years 1959 and 1969 show that while the percentage increase in median earnings of men and women teachers was similar, the dollar earning differential between men and women increased. Over the decade, the average salary of men school teachers increased from $5,586 to $8,692, an increase of 64% or $3,106. During the same decade the average salary of women school teachers also increased by 64%--from $4,009 to $6,236--but in dollars the increase was only $2,227. 26/

In NEA's 1970-71 survey of public school teachers, 43% of the men and 19% of the women held a master's degree or more. 27/ The higher salaries among men teachers is, in part, related to this fact. 28/ However, in comparing salary levels of men and women teachers with the same degrees, there is still a difference between the median income of women and men teachers. (See Table II-9.)

The Fleischmann Commission's study of the public school system in the State of New York noted that the proportions of men in particular school systems were related to the average level of pay. The study pointed out that men college graduates can earn substantially more in positions outside the school system than can women of comparable ability and training. In 1970-71, men were 40% to 60% of the teachers in those New York School districts that paid starting salaries of $8,000 or more, but men were only 20% to 40% of the teachers in school districts that paid less than $7,000 to start. 29/

Data from the different regions of the country support the relationships that the Fleischmann report identified in New York State. A comparison of earning levels of teachers in 1969 in all four regions shows that, overall, the median incomes of both elementary and secondary school teachers are lowest in the south and highest in the west. Moreover, the differential between men and women's salaries, as illustrated by the median for women as a proportion of the median for men, is greatest in the west and smallest in the south. (See Table II-10.) It is, therefore, not surprising that men comprise 45% of the secondary school teachers in the south, but 64% in the west; and 11% of the elementary school teachers in the south, but 21% in the west.

More research is needed to determine if men enter the teaching profession in certain areas of the country because the median salary levels of the profession there are higher, or if, because of the greater presence of men in the system and their greater ability to negotiate, the pay levels in the system are higher. Other factors may also be involved which should be explored. Pay scales in school districts in a single metropolitan area should be studied to determine whether those with higher pay scales have larger numbers of men teachers.

Several other studies shed additional light on the problem of salary differentials between men and women teachers. A study by a local education agency in Virginia of sex bias in public schools suggests that one reason for the salary differential between men and women is the granting of credit for military service.30/ Employees were granted up to five years credit for a combination of military service and prior teaching, a credit that worked to the advantage of men. Since most military service is not job-related, the study concluded, it would appear likely that years devoted to rearing children would benefit a school system as much as years devoted to nonteaching military service, 31/ and both could be considered beneficial to the nation. No national study on whether military credits have benefitted men teachers has been undertaken.

Another reason for the higher annual income reported by men teachers is that a higher proportion of men have extra earnings in addition to their classroom duties, both during the summer and during the school year. Between 1961 and 1971, the proportion of women teachers who earned additional income outside of their teaching duties increased from 37% to 44%. Even with that increase, the total amounted to scarcely more than half of the 81% of all men teachers who reported such additional income in 1971. 32/ The amount of additional income earned by men, as well as the number of men earning extra income, is also greater than that of women teachers. In 1971, the average additional income earned by men was $1,899; the average for women was $1,076. 33/

The schools employ a system of salary supplements to compensate teachers for the time that they spend working on extracurricular activities. Most salary supplements, Howard points out, go to men teachers for coaching boys' intramural sports. 34/ But as studies of local systems show, many school boards give minimal or no supplements at all to women who coach girls' teams or who direct other activities such as glee club. 35/ A 1971-72 Connecticut Education Association study, a 1973 Texas study, and a 1973 Michigan study all found that the extra-duty pay for men engaged in coaching male sports was much higher than pay for coaching available to women. 36, 37, 38/ Furthermore, men were given a decrease in teaching load that was not given equally to women coaches. 39/

A review of relative annual salary levels of vocational education teachers in secondary school reveals that women vocational education teachers also have lower annual salaries than men. Of men teachers, 28% with 9-10 month contracts, and 28% with 11-12 month contracts had annual salaries of $12,000 or over in 1972-73. Only 20% of women teachers with 9-10 month contracts and 18% with 11-12 month contracts were earning as much. (See Table II-11.)

Except for school nurses, the average salaries of other professional staff positions, including librarians, counselors, social workers, and psychologists, tend to be higher than the average salaries of school teachers. In all these categories, the average salary levels of men were also higher than the average salary levels of women. (See Table II-12.)

Many complex factors such as qualifications, years of experience, extra duties, etc., are involved in the determination of teachers' salaries. The existence of a single salary schedule clearly has not prevented inequities of salaries between the sexes. The degree of research that has been done in this area is minimal compared to the studies that have been undertaken on faculty salaries in postsecondary education, and far more research and analysis are required. Save for the 1970 Census, virtually no data are available on salaries of teachers in private elementary and secondary schools.

B. ADMINISTRATORS AND OTHER SUPERVISORY PERSONNEL

1. Presence

In analyzing the available figures on administrators and other supervisory personnel, two facts clearly emerge: men far exceed women in authority positions, and the percentage of women in such positions is continuing to decline. Women are clustered at the bottom rung of the career ladder in education. The upwardly mobile supervisory personnel tend to shift in rank from teacher to department head, to assistant principal and so on up the hierarchy. Yet despite the number of women teachers, less than one-third of the department heads are women.

Department Heads

NEA figures show that in 1970-71 women comprised only 31% of the estimated 12,500 public secondary school department heads in the United States. 40/ A recent (1975) study of sex inequality in the public school system of Lexington, Massachusetts, found that although the numbers of men and women teachers were approximately equal in the junior and senior high schools, only 3 out of 15 (20%) academic departments were headed by women at the junior high level and only 2 of 11 (18%) departments were headed by women at the senior high school level. 41/ Comparable findings have been reported by Fairfax, Virginia 42/ and Kalamazoo, Michigan. 43/

Elementary School Principals

Figures from the NEA's 1972-73 survey of public school staff show that even at the elementary school level there are few women administrators in the system. Although 95% of the 9,000 women public school principals were elementary school principals, women are considerably underrepresented in relation to their proportion as teachers. While women were more than 80% of all elementary school teachers, they were less than 20% of all elementary school principals.44/ (Table II-13)

Elementary school principalships are a dramatic example of the decline in women's role as administrators. In NEA's first survey of elementary school principals in 1928, women held 55% of those posts. Their percentage dropped to 41% in 1948, 38% in 1958, and only 22% in 1968. 45/ The 1968 study revealed several other significant facts: the proportion of male elementary school principals increased as the size of the school system decreased. As in the case of teachers, the number of men principals increased as one moved from the east to the west and from south to north. Overall, the median years of experience of women principals was 15 years compared to only five years for men. 46/ According to the survey, the reasons for the continued increase of men principals were: (1) efforts to attract men to elementary education; (2) the appeal of better status and the opportunities for more rapid promotion; and (3) increased recognition of the importance of elementary school education. 47/

NEA studies of the characteristics of assistant elementary school principals show similar trends. In 1969, an estimated 38% of assistant principals were women but in 1973, only 31% were women. 48/ The 1968 study showed that, increasingly, young men with fewer years of elementary classroom experience were being appointed to positions of elementary school leadership, especially in smaller school systems. Twenty-five percent of the women assistant principals had taught 20 or more years in elementary schools, while only 2% of the men reported such extensive experience. 49/

The summary to this study concluded that: "the prevailing mores of communities and the policies of school systems may favor the appointment of men as assistant principals. These conditions may have influenced teacher preparation institutions to advise women students to prepare themselves to become instructional specialists (supervisors, etc.) rather than administrators." 50/

Secondary School Principals

Research on secondary school principal was not conducted until eleven years ago and the only data collected by sex was the number of women employed as principals. 51/ The last studies of principals by the National Association of Secondary School Principals showed that women were 10% of all senior high school principals in 1963-64 and 4% all the the junior high school principals in 1964-65. 52/ It should be noted, however, that only 2% of the public senior high schools principals were women while 48% of the "independent" or private high school principals were women. 53/ (A large proportion of the private schools are religious affiliated, and usually of one sex or another.) 54/

More recent data from the National Education Association show that the proportions of women public secondary school principals are at still lower levels. In 1972-73, only 2.9% of the 9,400 public junior high school principals and only 1.4% of the 15,800 public senior high school principals were women. 55/ Moreover, between the 1970-71 and 1972-73 school years, there was both an actual and a proportional drop of women among principals and assistant principals in public junior and senior high schools although the total employment in these occupations increased. (See Table II-13.) The most marked drop occurred among senior high school principals. The proportion of senior high school principals who were women fell from 3.0% in 1970-71 to 1.4% in 1972-73. The actual number of women public senior high school principals shrank from 414 to 222 during that time period while the number of men senior high school principals increased from 13,349 to 15,605. Further research is needed to determine if these shifts are due to discrimination or to other causes.

Superintendents and Other Central Office Administrators

In 1972-73, according to an NEA survey, there were 67,715 full-time local central office administrators--superintendents, deputy, associate and assistant superintendents, administrators for general administration, finance and school plant, pupil personnel and others--in the public school systems. 56/ Over 17,000 women were employed in central office administration, comprising a quarter of the central office administrative positions. 57/ According to the same survey, however, there were only 65 women superintendents, 53 women deputy and associate superintendents and 283 women assistant superintendents in the United States, or 0.1%, 6.2% and 5.3%, respectively, of those occupations. 58/ In all three occupations, furthermore, the total numbers and the proportions of women had declined between 1970-71 and 1972-73. (Table II-13)

The number of public school districts in the United States has been declining for years as a result of reorganization and consolidation. The total number of districts in the United States in 1972-73 was 16,400 compared to some 36,000 a decade earlier and 67,000 two decades earlier. 59/ The reorganized school districts are larger in geographic area and in school population. With the consolidation of public school districts, the attractiveness of the superintendency as a career opportunity for men has grown. 60/

A 1970 survey of superintendents by the American Association of School Administrators 61/ revealed that among the largest school districts (over 25,000 students) in the United States, not one was headed by a woman and only three women held reins in the next largest districts (between 3,000 and 25,000 students). Women superintendents were to be found mostly in small rural districts, but even there they accounted for a mere 9% of the total.

A 1972 Education Research Service study of school superintendents found that some 40% of women superintendents were over 60 years old and very few were under 50 years of age. 62/ As in the case of women school principals, when these older women superintendents retire, they are most likely to be replaced by men, since there are few women in the second level administrative positions ready for advancement.

Prevailing attitudes toward women and the process by which women superintendents are selected help explain the lower participation of women in these positions. The Education Research Service study of women school superintendents found that out of 17,000 local operating school districts, only 84 or 0.4% reported the presence of women superintendents of schools. Of these 84 positions, 9 were elective and 75 were appointive. 63/ A report issued in California in 1974 by the Bureau of School Apportionment and Reports shows that only one woman is serving as a county superintendent of schools. "The county superintendent of schools is an elective office in all but a few counties, and this may be a factor in determining the number of women serving in that capacity." 64/ There are no data to indicate whether there is an increase in numbers of women seeking elective positions.

Summary data on participation by women in various levels of elementary and secondary school positions in selected states and local districts confirm the national pattern of male leadership. 65/ In almost every case, although women are well represented as teachers, this representation diminishes and almost disappears at the secondary school administration and superintendent levels. Only the data for New York City show a higher level of female participation than the national averages.

The high percentage of women in the system together with the low and decreasing number of women in elementary and secondary school administrative posts suggest that there are discriminatory practices and policies in a large number of the nation's school districts (See Chapter VI on Availability of Elementary and Secondary School Administrators.)

2. Salary

The data that are available on the salaries of men and women administrators are sparse and somewhat conflicting. They suggest that although women principals are earning more than men principals, women in all administrative positions earn less than men administrators.

Census data show that in 1969, the median earnings for men elementary and secondary school administrators was, at $13,191, over $5,000 more than the median earnings for women school administrators, $7,949. 66/ Statistics from a 1972 in-depth study of administrators in suburban Chicago's Cook County indicate that although the women administrators in those school systems had more years of experience than men administrators and tended to be older, their average salary was only $16,788 while it was $20,187 for men. 67/

Findings from NEA's 1972-73 survey of public school staff indicate that except among department heads and among senior high school principals, women in supervisory positions (principals and assistant principals) had higher salary levels than men in such positions. For example, the average salary of women elementary school principals, $15,909, was 101% of the average salary for men elementary school principals, $15,610; and the average salary of women junior high school principals, $18,186, was 108% that of the men junior high school principals, $16,801.

Table 1.--Average salary of selected public school supervisory personnel, by sex, and level of school: United States, 1972-73

Staff position and level of school	Average annual salary		Salary of women as a percent of salary of men
	Men	Women	
Department heads	$14,937	$12,991	87.0
Assistant Principals			
Elementary	15,153	16,638	109.8
Junior high school	15,540	17,135	110.3
Senior high school	15,613	17,541	112.4
Principals			
Elementary	15,610	15,909	101.9
Junior high school	16,801	18,186	108.2
Senior high school	16,216	15,372	94.8

SOURCE: National Education Association, Research Report, 1973-R5

NEA's Department of Elementary School Principals survey reported similar findings. The study found that the 1968 median salary of women supervising elementary school principals, $11,500, was higher than the median salary of men supervising principals, $10,700. 68/ The study also found that the women in the sample had had a median of 11 years experience as principals while the men in the sample had had a median of 9 years experience as principals.

Many other studies have shown that women administrators are older and have more years of experience in the principalship than their men counterparts; however, the studies as well as the NEA study do not correlate years of experience with salary. Therefore, it is not possible to determine whether the conclusion that one might draw from the NEA data, i.e., that women are being paid commensurately with their experience in comparison with men is in fact correct. Future studies of the salaries of elementary and secondary school principals should endeavor to correlate sex and experience so that the question can be explored more fully.

FOOTNOTES

1. Howard, "Second Class," Mimeographed paper, October 1974.

2. Theodore, The Professional Woman, 1971; Simpson and Simpson, "Women in the Semi-Professions," in The Semi-Professions, Etzioni, ed., 1969.

3. Howard, op. cit.

4. U.S. Bureau of the Census, Detailed Characteristics, 1970.

5. U.S. Department of Health, Education, and Welfare (U.S. DHEW), National Center for Educational Statistics (NCES), Elementary and Secondary School Survey, unpublished data in preparation for Digest of Educational Statistics, 1975.

6. Ibid.

7. U.S. Bureau of the Census, op. cit.

8. NCES, op. cit.

9. National Education Association (NEA), Research Report, 1972-R3, 26th Bienniel Salary and Staff Survey, 1973.

10. U.S. Bureau of the Census, 1970 Census of Population, Detailed Characteristics: U.S. Summary.

11. National Catholic Education Association, Ganley's Catholic Schools in America, 1975. National Center for Educational Statistics, DHEW, Statistics of Nonpublic Elementary and Secondary Schools, 1970-71.

12. Howard, op. cit.

13. The research that has been done in this area has not been as extensive as it has been on vocational education or postsecondary education. More in-depth research is needed including studies updating the findings; research based upon larger samples of public secondary school teachers, and research on the impact of role models in terms of subjects pursued among high school girls is also needed.

14. U.S. DHEW, NCES, Vocational Education: Characteristics of Students and Staff, 1972, Washington, DC, 1974.

15. Office for Civil Rights, DHEW, unpublished data.

16. An organized data collection system for early childhood education is lacking as evidenced by the fact that the terminologies used at this level of schooling are imprecise and overlapping. The distinctions between child development and custodial day-care programs for preschool children are blurred, creating a further complication.

17. U.S. DHEW, Office of Child Development, Project Head Start, 1969-1970: A Descriptive Report of Programs and Participants, U.S. DHEW, OCD, Washington, DC, July 1972.

18. National Education Association, Research Report 1973-R5.

19. Ibid.

20. Ibid.

21. Equal Employment Opportunity Commission, "Elementary-Secondary Staff Information (EEO-5)," Computer Printout, 1973.

22. Howard, op. cit.

23. Ibid.

24. NEA Research Report, 1973-R5, 1973

25. U.S. Bureau of the Census, 1970 Census of Population, Occupational Characteristics.

26. U.S. Bureau of the Census, 1960 and 1970 Censuses of Population. Similar findings for 1960-61 and 1970-71 were collected by NEA (Research Report 1972-R3).

27. NEA, Research Report 1972-R3.

28. Ibid.

29. New York State Commission, The Fleischmann Report, 1973.

30. Fairfax County Commission, Quality and Equality, 1974.

31. Ibid.

32. NEA, Research Report 1972-R3.

33. Ibid.

34. Howard, op. cit.

35. Ibid.

36. Connecticut Education Association, "Extra Pay," 1972 (as cited in Howard).

37. Waco Independent School District, "Survey of Sex Discrimination" (mimeographed) 1971.

38. Kalamazoo, Michigan, "Report of the Personnel Task Force," 1973.

39. Waco, op. cit.

40. National Education Association, "Professional Women in Public Schools, 1970-71."

41. Lexington, Massachusetts, Citizen's Advisory Committee 1975.

42. Fairfax, Virginia, op. cit.

43. Kalamazoo, Michigan, op. cit.

44. NEA Research Report, 1973-R5.

45. NEA, Elementary School Principals, 1968. The 1968 study furthere differentiated between teaching principals, 35.8% of whom were women, and supervising principals, 21.5% of whom were women.

46. Ibid.

47. Ibid.

48. NEA Research Report 1973-R5; Johnson, Women: A Significant National Resources.

49. NEA, Elementary School Principal, op. cit.

50. Ibid.

51. National Association of Secondary School Principals, The Senior High School Principalship, 1965, and NASSP, The Junior High School Principalship, 1966. A new senior high school principalship study is currently being undertaken by NASSP.

52. Ibid.

53. Ibid.

54. Ibid.

55. NEA Research Report, 1973-R5.

56. Ibid.

57. Ibid.

58. Ibid.

59. Ibid.

60. National Council of Administrative Women in Education, Wanted--More Women: Where are the Women Superintendents?, undated.

61. American Association of School Administrators, The American School Superintendent, 1971.

62. Clement, Sex Bias in School Leadership, 1975.

63. Ibid. These findings differ from those of Funderburk who in observing a decline in women state superintendents as those jobs became appointive rather than elective noted; "Only when top public school positions are elective rather than appointive do women educators stand a chance to hold a high administrative job." Funderburk, "Women: Their Responsibility in Professional Unity." in Women: A Significant National Resource, 1974.)

64. Report of Women in Elementary and Secondary Education in California, 1973-74.

65. National data from NEA Research Report 1973-R3, op. cit.; and local studies from Dayton, Ohio (Women's Rights Committee, 1973); Columbia, S.C. (Richland School District One, Women's Equity Action League, 1973); New York City Board of Education, 1972; Minnesota (Women's Educational Action Group, 1974); Pennsylvania Department of Education, 1973; Kentucky (Department of Instruction, 1973); Kalamazoo, Mich., (Committee to Study Sex Discrimination, 1973); and Montgomery County, Md. (Task Force on Equal Rights, 1973).

66. 1970 U.S. Census, Detailed Characteristics.

67. Cook County Report, "Comparative Data 1972." Includes building, central office and program administrators.

68. NEA, Elementary School Principal, 1968.

Table II-1.--Classroom teachers in public elementary and secondary schools: United States, 1943-44 to 1973-74

Year	Teachers			
	Total	Men	Women	Percent women
1943-44	827,990	126,672	701,318	84.7
1944-45	826,373	127,102	699,271	84.6
1945-46	831,026	138,209	692,817	83.4
1946-47	833,512	153,297	680,215	81.6
1947-48	860,678	161,913	698,765	81.2
1948-49	878,804	172,720	706,084	80.3
1949-50	913,671	194,968	718,968	78.7
1950-51	944,036	214,966	729,070	77.2
1951-52	963,000	235,000	728,000	75.6
1953-54	1,032,138	253,518	778,620	75.4
1955-56	1,133,093	194,170	838,923	74.0
1957-58	1,237,849	331,663	906,186	73.2
1959-60	1,354,958	392,670	962,288	71.0
1961-62	1,457,964	436,575	1,021,389	70.1
1963-64	1,567,974	487,967	1,080,007	68.9
1965-66	1,710,888	543,768	1,167,120	68.2
1967-68	1,863,967	587,808	1,276,159	68.5
1969-70	2,023,253	656,200	1,367,053	67.6
1971-72	2,059,902	695,228	1,364,674	66.2
1973-74	2,155,448	722,868	1,432,580	66.5

SOURCE: U.S. Department of Health, Education and Welfare, National Center for Educational Statistics, Digest of Educational Statistics, 1974. Figures for the years before 1969-70 do not include Alaska and Hawaii; figures for 1973-74 are preliminary preparation for the Digest. (Adapted from Howard, "Women Public School Teachers: Second Class . . .," Resource Center on Sex Roles in Education, October 1974.)

Table II-2.--Men and women school teachers, by level of school, and for various years: United States, 1939-40 through 1973-74

School year	Elementary school		Secondary school	
	Number	Percent	Number	Percent
1939-40				
Men	70,200	11.0	138,400	41.9
Women	569,900	89.0	192,000	58.1
1949-50				
Men	58,400	8.8	158,500	43.3
Women	607,300	91.2	207,700	56.7
1959-60				
Men	124,600	13.1	299,200	51.8
Women	828,900	86.9	277,900	48.2
1961-62				
Men	127,200	14.5	309,400	53.3
Women	750,100	85.5	271,300	46.7
1963-64				
Men	139,600	13.3	390,200	53.1
Women	912,000	86.7	345,200	46.9
1965-66				
Men	164,800	14.6	436,200	53.2
Women	967,000	85.4	383,000	46.8
1967-68				
Men	151,700	14.6	436,200	52.9
Women	887,600	85.4	388,500	47.1
1969-70				
Men	191,000	15.0	516,800	53.2
Women	1,080,400	85.0	454,000	46.8
1971-72				
Men	204,100	15.9	546,100	54.0
Women	1,080,200	84.1	465,400	46.0
1973-74				
Men	213,100	16.0	564,600	53.3
Women	1,114,900	84.0	493,800	46.7

SOURCE: U.S. Department of Health, Education, and Welfare, National Center for Educational Statistics, Elementary and Secondary School Survey 1959-60 through 1973-74.

Table II-3.--Public school teaching staff, by sex, and grade level: United States, 1970-71

Grade level	Men	Women	
		Total	Percent
Kindergarten	0	44	100.0
Elementary			
Grade 1	0	104	100.0
Grade 2	2	102	98.1
Grade 3	1	85	98.8
Grade 4	12	79	86.8
Grade 5	22	49	69.0
Grade 6	34	60	63.8
More than one grade	47	126	72.8
Total	118	605	83.7
Junior high school			
Grade 7	17	25	59.5
Grade 8	21	23	52.3
Grade 9	27	12	30.8
More than one grade	86	80	48.2
Total	151	140	48.1
Senior high school			
Grade 10	10	5	33.3
Grade 11	2	9	81.8
Grade 12	17	9	34.6
More than one grade	182	153	45.7
Total	211	176	45.5
Junior-Senior high school			
More than one grade	31	22	41.5
Elementary-Secondary combination	10	7	41.2
Special education	3	12	66.6
Total sample	524	1,000	65.6

SOURCE: National Education Association, Status of the American Public School Teacher, 1970-71, Research Report 1972-R3.

Table II-4.--Estimated public elementary and secondary school teachers, by sex, geographic region, and school year: United States, 1971-72 and 1972-73

Geographic region and school year	Teachers		
	Men (in thousands)	Women (in thousands)	Percent women
	Elementary school		
Northeast			
1971-72	49.0	231.5	82.5
1972-73	48.7	230.0	82.5
North Central			
1971-72	46.8	257.8	84.6
1972-73	47.2	254.9	84.4
West			
1971-72	42.8	161.6	79.1
1972-73	43.4	159.9	78.7
South			
1971-72	38.4	295.8	88.5
1972-73	38.9	299.1	88.5
	Secondary school		
Northeast			
1971-72	142.5	122.2	46.2
1972-73	146.4	124.8	46.1
North Central			
1971-72	160.1	122.8	43.4
1972-73	161.7	123.2	43.2
West			
1971-72	95.6	54.7	36.4
1972-73	98.0	55.3	36.1
South			
1971-72	118.5	145.9	55.2
1972-73	120.3	148.4	55.2

SOURCE: National Education Association, Research Report 1972-R12, Estimates of School Statistics, 1972-73.

Table II-5.--Full-time teaching staff of Catholic schools, by level of school, and sex of the staff: United States, 1970-71 to 1974-75

Teachers	Elementary school					
	1970-71		1972-73		1973-74	
	(number)	(percent)	(number)	(percent)	(number)	(percent)
Women						
Total	102,459	90.9	96,220	91.3	91,173	91.3
Sisters	52,315	46.4	44,020	41.8	37,306	37.4
Lay women	50,144	44.8	52,200	49.5	53,867	53.9
Men						
Total	10,291	9.1	9,164	8.7	8,696	8.7
Religious men	881	0.8	383	0.4	647	0.6
Lay men	9,410	8.3	8,781	8.3	8,049	8.1
TOTAL	112,750	100.0	105,384	100.0	99,869	100.0

Teachers	Secondary school					
	1970-71		1972-73		1973-74	
	(number)	(percent)	(number)	(percent)	(number)	(percent)
Women						
Total	29,149	54.5	27,952	55.3	27,426	54.6
Sisters	18,928	35.4	16,045	31.7	13,835	27.6
Lay women	10,221	19.1	11,907	23.6	13,591	27.0
Men						
Total	24,309	45.5	22,628	44.7	22,760	45.4
Religious men	8,456	15.8	7,228	14.4	6,805	13.6
Lay men	15,853	29.7	15,340	30.3	15,955	31.8
TOTAL	53,458	100.0	50,580	100.0	50,186	100.0

SOURCE: National Catholic Education Association/Ganley's Catholic Schools in America 3rd Edition, 1975.

Table II-6.--Subjects taught by public secondary school teachers, by sex of teachers, and for various years: United States, 1961, 1966 or 1967, and 1971

Subjects and school years		Teachers		
		Total	Percent of total	
			Men	Women
Total 1/	1961	716	56.2	43.8
	1966	1,063	53.7	46.3
	1971	692	54.5	45.5
Home economics	1961	40	0	100.0
	1966	64	0	100.0
	1971	36	0	100.0
English	1961	148	33.1	66.9
	1966	197	34.5	65.5
	1971	144	35.4	64.6
Foreign language	1961	32	34.4	65.6
	1966	70	35.7	64.3
	1971	34	26.5	73.5
Business education	1961	59	39.0	61.0
	1966	76	38.2	61.8
	1971	42	33.3	66.7
Art	1961	17	41.2	58.5
	1967	22	40.9	59.1
	1971	26	46.1	53.9
Health and physical education	1961	64	59.4	40.6
	1967	75	52.0	48.0
	1971	59	45.8	54.2

See footnotes at end of table.

Table II-6.--Subjects taught by public secondary school teachers, by sex of teachers, and for various years: United States, 1961, 1966 or 1967, and 1971
--Continued

Subjects and school years		Teachers		
		Total	Percent of total	
			Men	Women
Mathematics	1961	89	65.2	34.8
	1966	151	58.9	41.1
	1971	102	57.8	42.2
Social studies	1961	100	69.0	31.0
	1966	167	68.9	31.1
	1971	27	76.8	23.2
Music	1961	13	76.9	23.1
	1967	51	62.7	37.3
	1971	27	70.4	29.6
Science	1961	91	81.3	18.7
	1967	118	78.8	21.2
	1971	75	85.3	14.7
Industrial arts 2/	1961	43	100.0	0
	1967	55	100.0	0
	1971	44	95.4	3/ 4.6
Agriculture	1961	20	100.0	0
	1967	17	100.0	0
	1971	4	100.0	0

1/ Does not include teachers teaching in more than one field half or less time in each; teaching special education; or teaching in other subjects.

2/ Includes Vocational Education.

3/ Vocational Education only.

SOURCE: National Education Association. Status of the American Public School Teacher, 1970-71, Research Report, 1972-R3.

Table II-7.--Estimated vocational education teachers in secondary school systems, by sex, and teaching area: United States, 1972-73

Teaching area	Teachers			
	Men	Women	Percent of total	
			Men	Women
Total	55,700	53,700	50.9	49.1
Home economics (homemaking)	300	22,100	1.3	98.7
Home economics (occupational)	100	5,500	1.8	98.2
Health	400	3,000	11.8	88.2
Office/business	6,900	17,600	28.2	71.8
Distributive education	5,700	1,700	77.0	23.0
Trades/industry	28,400	3,400	89.3	10.7
Technical education	3,400	400	89.5	10.5
Agriculture	10,500	*	100.0	**

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* Unweighted number less than 10.

** Less than 0.05 percent.

SOURCE: U.S. Department of Health, Education, and Welfare, National Center for Educational Statistics, Vocational Education: Characteristics of Students and Staff, 1972, U.S. Department of Health, Education, and Welfare, Washington, D.C. 1974.

Table II-8.--Full-time postsecondary Area Vocational Technical School staff, by sex, and type of staff: United States, 1973-74

Type of staff	Staff			
	Men	Women	Percent of total	
			Men	Women
Administrative staff	6,213	5,963	51.0	49.0
Instructional staff				
Total	14,789	8,801	62.7	37.3
Home economics	616	4,500	12.0	88.0
Health occupations	115	667	14.7	85.3
Business and office occupations	2,217	2,230	49.9	50.1
Marketing and distribution occupations	935	292	72.2	23.8
Technical occupations	3,684	465	80.8	11.2
Trade and industrial occupations	6,513	599	91.6	8.4
Agri-business occupations	709	48	93.7	6.3

NOTE.--Includes some schools that offer Adult Education level classes.
SOURCE: U.S. Department of Health, Education and Welfare, Office for Civil Rights, Survey of Area Vocational-Technical Schools, 1974.

Table II-9.--Comparative average salaries of public school teachers, by sex, and education: United States, 1972-73

Education	Average salary		Average for women as a percent of average for men
	Men	Women	
B.A. or less with less than 5 years college	$ 9,059	$ 8,896	98.2
M.A. or 5-6 years college	11,808	11,441	96.7
6 or more years college	14,327	13,967	97.5
TOTAL TEACHERS	10,654	9,787	91.9

SOURCE: National Education Association, 26th Biennial Salary and Staff Survey of Public School Professional Personnel, Research Report 1973-R3.

Table II-10.--Relative median earnings of teachers, by sex, level of school, and geographic regions: United States, 1969

Level of school and geographic region	Median earnings		Median earnings for women as a percent of median earnings for men	Sex of teachers	
	Men	Women		Men (percent)	Women (percent)
Elementary school teachers					
Total	$ 8,013	$ 6,439	80.4	15.3	84.7
Northeast	8,352	6,855	82.2	17.5	82.5
North Central	8,181	6,581	80.4	15.3	84.7
South	6,975	6,008	86.1	12.2	87.8
West	9,039	7,054	78.0	17.8	82.2
Secondary school teachers					
Total	9,002	6,723	74.7	51.1	48.9
Northeast	9,560	7,312	76.5	54.2	45.8
North Central	9,135	6,795	74.3	54.1	45.9
South	7,613	6,310	82.9	42.3	57.7
West	10,016	7,414	74.0	55.6	44.4

SOURCE: U. S. Bureau of the Census, 1970 Census of Population, Detailed Characteristics.

Table II-11.--Annual salary of vocational education teachers in secondary school systems, by type of contract, and sex: United States, 1972-73

Type of contract/sex of teacher	Annual salary					
	Under $8,000 (percent)	$8,000-9,999 (percent)	$10,000-11,999 (percent)	$12,000 and over (percent)	Total (percent)	Number of teachers
Teachers under 9-10 month contracts						
Men	7.4	37.5	27.0	28.1	100.0	31,401
Women	23.4	35.3	21.7	19.7	100.0	37,965
Teachers under 11-12 month contracts 1/						
Men	12.0	32.4	27.4	28.3	100.0	21,009
Women	21.4	38.6	22.3	17.7	100.0	9,678
Total						
Men	9.2	35.4	27.2	28.2	100.0	52,410
Women	23.0	35.9	21.8	19.3	100.0	47,643

1/ Includes all other types of contracts.
SOURCE: U.S. Department of Health, Education, and Welfare, Vocational Education: Characteristics of Students and Staff, 1972.

Table II-12.--Average salary of other nonsupervisory public school full-time instructional staff, by sex: United States, 1972-73

	Men	Women	Percent Women
School nurses	$10,059	$ 9,218	91.6
Social workers and/or visiting teachers	12,375	10,857	87.7
Counselors	12,829	12,406	96.7
Librarians	14,937	12,991	87.0
Psychologists and/or psychometrists	13,850	13,246	95.6
Teachers (all levels)	10,654	9,787	91.9

SOURCE: National Education Association, Research Report, 1973-R3.

Table II-13.--Full-time public school administrators, by sex and level of school: United States, 1970-71 and 1972-73

School, position, and year	Administrators		
	Men	Women (number)	Women (percent)
Elementary principals			
1970-71	37,673	10,041	21.0
1972-73	38,750	9,446	19.6
Assistant principals			
1970-71	3,388	1,731	33.8
1972-73	4,486	1,997	30.8
Junior high school principals 1970-71	8,472	310	3.5
1972-73	9,102	272	2.9
Assistant principals			
1970-71	6,022	755	11.1
1972-73	7,223	594	7.6
Senior high school principals 1970-71	13,349	414	3.0
1972-73	15,605	222	1.4
Assistant Principals 1970-71	10,383	1,020	8.9
1972-73	12,439	850	6.4
Central office administrators superintendents 1970-71	14,289	90	0.6
1972-73	12,972	65	0.1
Deputy associate superintendents			
1970-71	676	55	7.5
1972-73	800	53	6.2
Assistant superintendents			
1970-71 1/	6,265	482	7.1
1972-73	5,054	283	5.3
Other central office administrators 2/ 1970-71	27,161	16,288	37.5
1972-73	31,614	16,874	35.0

1/ Includes Administrative Assistant to the Superintendent.

2/ Includes central office administrators for General Administration, Finance and School Plant, Pupil Personnel Services, Instruction--Administration, and Special Subject areas.

SOURCE: National Education Association Research Bulletin Vol. 49, No. 3, October 1971.
National Education Association Research Report 1973-R5, 26th Biennial Salary and Staff Survey of Public School Professional Personnel 1972-73

III. EMPLOYMENT AND SALARY

POSTSECONDARY EDUCATION

III. EMPLOYMENT AND SALARY: POSTSECONDARY EDUCATION

A. FACULTY

1. Presence

In 1929-30, women comprised 28% of all college and university faculties. (See Table 2 below.) In 1971, they had returned to 25% after a low of 19% in 1959-60. The American Council on Education (ACE) survey of 1968-69 placed the overall representation of women on faculties at only 19%. 1/ Four years later, after considerable attention had been given to the issue of women's employment opportunities in postsecondary education, a second ACE survey placed women at 20% of the faculty--a gain of only 1%. The most recent data, 1974-75, from the National Center for Educational Statistics (NCES) show women to be 24% of all college and university faculties. (See Table III-1.)

In the decade of the 1960's, the ratio of increase in college and university faculties by sex ran about four women to ten men, which represents a gain for women over the two previous decades. 2/ In spite of these general gains, however, many institutions have reported actual decreases in the number of women faculty over the last two or three years. 3/

As the data show, the pattern of women's employment on college and university faculties has not changed much over time. Women represent less than one quarter of the faculties; they are present in greater numbers in colleges than in universities, are in the less prestigious rather than the elite institutions, 4/ and hold positions in the lower, untenured, less well-paid ranks.

Although graduate schools are preparing increasingly larger numbers of women for employment in academe, study after study has shown that fewer women are recruited into the faculties than are their male peers, and that those who do enter academic employment are likely to hold positions of lower rank than their male colleagues. Discrimination in hiring at large and prestigious institutions has forced many women to take jobs with lower pay and status in small institutions which offer less opportunity for research. 5/ At the same time, once women join the faculty at any type of institution, their promotions come more slowly than do men's. 6/ The majority of women remain in the lower status positions and their proportion in the faculty drops with each rise in rank. (See Table III-1.)

No study has presented evidence that women are less able than men. The greater concentration of women students in the more prestigious graduate schools suggests that there is, if anything, more excellence proportionately in the pool of women Ph.D.'s than among the pool of men. 7/ Furthermore, studies indicate that most academically trained women do not interrupt their careers more often or for longer periods than men. Ninety-one percent of women doctorates are in the labor force, and 67% have been fully employed since securing their degrees. Of those who took time out for childbearing, the average period of absence was just 11-15 months, a shorter period of time than men are likely to interrupt their careers for military service. 8/

Women doctorates have a higher involuntary unemployment rate than men, and the largest discrepancy is found in the group of men and women under 35 years of age. In 1973, 1% of these men and 5.5% of these women (in the science fields) were unemployed and seeking work which contradicts the myth that "reverse discrimination guarantees all women doctorates a job." 9/

In the following sections, the data on faculty women are presented according to discrete variables. Regardless of which variable is considered, it is clear that none of them account for women's lower employment and advancement. A substantial part of the explanation, therefore, must be the "resistance and neglect" 10/ on the part of male-dominated faculties.

a. By Rank

Women holding academic rank are most likely to be instructors, while men are most likely to be professors. Men not only reach a higher rank, but they reach it faster. Sex comparisons reveal striking differences in the distribution of women faculty by rank. Nationally, in 1975, 19% of all women college and university faculty members were full professors (26% of all men held that rank); 17% of the women were associate professors (27% for men faculty); 36% of the women were assistant professors (30% for the men); and 37% of the women were instructors and lecturers (17% for the men). Thus, women are below the norm in the top two ranks, somewhat above in the third, and well above in the lowest ranks. Overall, 53% of the men, but only 26% of the women, were in the top two ranks. (See Table III-1.)

Bayer and Astin, and Cartter and Ruhter have found that, since 1969, women have improved their position in academic employment and seem to be receiving initial appointments on terms that are comparable to men. 11/ The Carnegie study points out, however, that the relatively improved position of women entering the profession is not matched by similar gains at advanced ranks. 12/

Centra finds that the women in his sample of doctorates who were employed in academe moved up the ladder more slowly than the men.

> "After five or six years of experience, just over half of the men, but 40% of the women, were associate professors; after 13 or 14 years, just over two-thirds of the men, but 59% of the women, were full professors; and after 22-23 years, 88% of the men and 85% of the women were full professors. Only for the last career length were the percentages for men and women comparable." 13/

A study of promotion was carried out at the University of California at Berkeley, covering two time periods, 1920-40 and 1950-69. In both cases, it was found that promotion for women was more limited than for men; the proportion of women promoted was lower at all ranks, and women waited longer for promotion. The rate of advancement and the highest step attained were similarly lower for women than for men. 14/

As Guttman stated at the 1974 Hearings of the Special Subcommittee on Education:

> "Women have had post-doctoral, research, associate, and transient faculty positions. In one recent, notable instance, a woman who had been rated as their top post-doctoral and then as an excellent teacher in her transient assistant professorial position began to be rated inadequate in all categories shortly after she requested consideration for a position in the permanent faculty line of ascent. At that time, her department was actively recruiting for such a position in her field and hired a man whose qualifications did not surpass the woman they refused to consider." 15/

Rossi estimated that, in 1969, 90% of men faculty with doctorates in sociology and 20 years of experience were full professors; of women with the same qualifications, less than half had attained that rank (53% of single women Ph.D.'s and 41% of married women Ph.D.'s). 16/

The Bayer and Astin analyses of the two ACE surveys also found that women lagged behind men in rank. Women with similar qualifications were found to be about 20% below the rank of men in the 1969 study and 10% below in the 1973 study. They also found differences in rank attained by women, according to academic discipline:

> "In starting positions, women tend to hold academic ranks which are higher than or comparable to those of men within

> the same work setting and field. Over time, women in the natural sciences emerge as receiving promotions on par with men, while in the social sciences women tend to be promoted less rapidly than do their male counterparts. This suggests that, in fields in which women comprise a larger component of the total labor force, more discrimination in promotions may be experienced." 17/

Although there had been an extremely rapid growth in women's enrollment during 1960's, the 1975 Carnegie study states:

> "Women lost relative ground on faculties of four-year colleges and universities, except at the instructor level. This trend has been reversed in the early 1970's. Increases in the proportion of women among faculty members have continued to occur at the instructor level, but they have also occurred at a significant rate at the assistant professor level where, by 1973-74, the percentage who were women was well above the level of the early 1960's. The proportions of women associate and full professors had not yet reached those of 1959-60 by the 1974-75 academic year." 18/

b. By Type of Institution 19/

The more prestigious the institution, the worse the status of women. Women are more likely to be employed at the lesser known institutions and in community colleges where the opportunity for professional advancement and research are less, and where the salaries are lower. 20/

An important factor that affects the distribution of women among types of institutions is whether or not an institution is considered "elite." 21/ Women's representation was below 10% in 9 of 13 "elite" schools studied by Robinson. In the non-elite schools, the median rate of participation by women on the faculty was 18%. The lowest rates of women on faculty, among both elite and non-elite institutions were in male or predominantly male schools. 22/

On the other hand, women's colleges have a higher percentage of women faculty than other colleges and universities. 23/ However, since World War II, the proportion of men professors at women's colleges has risen steadily. 24/ Barnard, which has more women on its faculty than any other of the "Seven Sisters" colleges, 25/ has women mainly in the lower ranks--82% of the nonprofessorial staff, 64% of the assistant professors, 54% of the associate professors, and only 22% of the full professors are women. 26/

Cartter found that women Ph.D.'s gained ground relative to men Ph.D.'s in hiring for the faculties of prestigious universities between 1967 and 1973; 27/ however, Carnegie found that the ratio of women to men is still much smaller in highly research-oriented universities than in other types of institutions. 28/ Percentages of faculty at each rank who were women tended to be higher in Research Universities II than in Research Universities I, and higher in Doctoral-Granting Universities than in Research Universities II. 29/ (For an explanation of the ranking of Research Universities, see Footnote #4.) Among universities as a whole, the percentage of women faculty at each rank, reported by Carnegie, were very close to those reported in the NCES data for 1974-75. 30/

As Carnegie points out:

> "Not only were there relatively fewer women in highly selective research universities, but their absence was most noted in the higher ranks and in traditionally male fields." 31/

The ACE studies found that the slight gains for women at the university level appear to be balanced by slight losses at the two- and four-year colleges. According to Bayer, the percentage of women faculty at two- and four-year colleges actually decreased between 1969 and 1973 from 26% to 22% and from 23% to 22%, respectively, but rose from 15% to 17% at the universities. 32/

Bayer's data for 1969 show that the proportion of women faculty at four-year colleges who hold the doctorate (30%) is practically the same as the percent at universities (28%). In contrast, a larger proportion of men who hold the doctorate are found at universities (61%) than at four-year colleges (46%). 33/

Comparing NCES data from 1973 and 1975, 63% of all women faculty were employed as assistant professors or instructors in 1973, and 68% in 1975. 34/ In 1974-75, women made up 19% of the university faculties, 25% of the four-year college faculties, and 35% of the two-year college faculties--a gain of roughly 2% across the board. (See Table III-1.)

Until the 1960's, public institutions of higher education tended to employ a greater percentage of women faculty than privately controlled institutions. By 1960, the gap between the percentage of women employed in public and private institutions had closed. While the percentage of women teaching in private institutions from 1930 to 1970 has increased, the percentage of women teaching in public institutions has had an overall drop of 9%. (See Table 2.)

Table 2.---Teaching faculty at public and private institutions of higher education, for various years: United States, 1929-1930 to 1970-1971

Year	Teaching faculty			
	Total (thousands)	Percent women		
		All institutions	Publicly controlled institutions	Privately controlled institutions
1929-1930	84.9	27.8	33.7	22.9
1939-1940	116.8	26.1	28.6	24.3
1949-1950	190.4	23.4	24.2	22.7
1959-1960	281.5	19.3	19.2	19.4
1970-1971	574.0	24.9	25.0	24.7

SOURCE: Department of Health, Education, and Welfare, Office of Education Biennial Survey of Education in the United States in Digest of Educational Statistics 1973.

The 1973 Centra study of men and women who received their doctoral degrees in 1950, 1960, and 1968, reported that, among those who received their doctoral degrees in 1968 and were employed full-time, a larger percentage of the women (40%) than of the men (35%) were in universities. Among the 1950 and 1960 doctoral recipients, on the other hand, higher percentages of men were employed in universities, whereas women were employed mainly in two- and four-year colleges. 35/ Women have had a gain in new hires of Ph.D.'s; 28% of the new Ph.D.'s hired by the top ten universities in 1973 were women, compared to only 4.4% in 1967. Among the next twenty universities, women represented 25% of the new hires in 1973, as against 13% in 1967. These gains by women were achieved in a market that, overall, was deteriorating for both men and women. 36/

The 1975 Carnegie study found that, among those institutions that provided relevant data, the percentages of women and minorities among new hires (usually for 1973-74) tended to be significantly higher than their percentage on the faculty. However, it was chiefly the most prestigious research universities that provided such information; and, in that group, only 40% of the respondents included data on sex and ethnic origins. It was entirely possible, the study notes, that the institutions providing this information tended to have higher percentages of women and minorities among their new hires than institutions that did not provide the data. 37/

c. By Discipline

Women in faculty positions are concentrated in a limited number of fields. Based upon the 1970 Census, the four fields employing the most women college and university teachers were: art, drama and music; 38/foreign languages; health; and English. The total number of women teaching in these subject areas comprised 55% of all women college and university faculty. (See Table III-2.) The field employing the largest proportion of women teachers (93%) was home economics. Thirty-five percent of all women were in "miscellaneous" or "unspecified" classifications. Fields in which women were least represented and where they comprised less than 10% of the total faculty were: economics (8%); law (7%); engineering (6%); physics (5%); and agriculture (4%).

The status of women within specific disciplines is summarized below:

- Robinson's analysis of some 145 institutional reports in 1972 indicated that the proportion of women full professors in both modern languages and physics was about three-fourths as large as their proportion among all doctorates in these fields. The relationship of full professors to all doctorates was much lower in political sciences (48%), and extremely low in anthropology, history and sociology (about one-third). 39/

- Anthropologists compared five-year cohorts of women and men who received Ph.D.'s from 14 selected anthropology departments within the last thirty years (1940 to 1970). In every cohort, a substantially greater number of men than women had reached the level of full professor. 40/

- In 1968, Columbia awarded women 67% of its Ph.D.'s in French, 44% in anthropology, 36% in psychology, and 17% in philosophy. But, there were no women on the faculty of these departments. In 1960, Harvard awarded 10% of its Ph.D.'s in arts and sciences to women, and in 1969, 19%; yet, there was only one woman among Harvard's 484 member senior faculty in 1969-70. 41/

- Rossi's study of sociology departments in 1968-69 42/ found that, of the men with doctoral degrees, 42% were full professors, while only 16% of the women Ph.D.'s held that rank. After twenty years, 90% of the men Ph.D.'s, 53% of the single women Ph.D.'s, and 41% of the married women Ph.D.'s attained full professorships. 43/ In graduate departments of sociology, Rossi reported that women represented 30% of the Ph.D. candidates, 27% of the full-time assistant professors, 9% of the full-time associate professors, 4% of the full-time professors, and 1% of the chairmen. Of the 44 full professors in the five institutions with elite sociology departments (Berkeley, Chicago, Columbia, Harvard, and Michigan), none were women in

1969. Ph.D.'s in sociology were employed in two- and four-year colleges. The percentage of women faculty in sociology increased from 9% to 12% between 1970 and 1972; the increase at the full professor rank, however, was only 1%, from 4% to 5%.

- In a 1972 study of the University of California at Berkeley, women were found to have received 23% of the doctorates in psychology; yet, until two women were recently appointed, the last time a woman was hired as a professor in the Department of Psychology was in 1924. 44/

- A "Survey of Departments of Psychology--1972 and 1973" was developed by the Committee on Women in Psychology of the American Psychological Association. Although the percentage of women instructors on full-time faculties increased from 36% to 43% between 1972 and 1973, the percentage of women professors decreased from 8% to 7%. 45/

- In another study of psychologists who received their Ph.D.'s prior to 1950 and who now hold faculty rank, 30% of the men and 7% of the women were full professors. Men took an average of 10.8 years, after the doctorate, to achieve full professorships, while it took an average of 15.2 years before women achieved similar appointments. 46/

- A study of 184 doctoral-granting chemistry departments (chemistry is considered a traditionally "masculine" field), showed that, in 1973, two-thirds of these departments had no women as assistant, associate, or full professors.

- Among the chemistry departments in the more prestigious research universities, 80% had no women faculty. Women received 9.9% of the Ph.D.'s granted by the 184 departments in 1971-72; yet, only 2% of the faculty members at professorial rank were women. 47/

- Testimony by Lieve (Committee of Women in Biochemistry), before the Joint Economic Committee of the Congress in 1973, reported that women chemists and biochemists have lower earnings and lower academic ranks than their male counterparts; the situation has not improved in the last several years. 48/

- Guttman's testimony, before the House Subcommittee on Education in 1974, discussed the problems found in university chemistry departments. She cited the chemistry department of the University of Minnesota, which, at that time, consisted of 44 men faculty. It had had no women on its permanent faculty since its founding in 1917. 49/

- Based upon 1963 and 1971 data reported by sex for biochemistry departments in 34 top-ranking universities, there has been no significant change in sex composition over nine years; yet, in the last ten years, women have earned 16% of all Ph.D.'s in that discipline, and 85% to 90% of these women have remained in the labor force. 50/

- In the physical sciences, the social sciences, and the humanities, data indicate that more women are employed at two- and four-year colleges than at universities. 51/

- In 1974, of 239 departments of economics with 3,125 full-time faculty, almost half (122 departments) had no women on the faculty. Women economists recently have found employment more readily in business firms and the federal government; some graduate schools of management and business have taken note and responded by hiring more women faculty. However, of the 43 economics departments in the small group of universities that train most economists, 17 have no women faculty and undertake little active recruiting for them. 52/

- The 1975 study by the Carnegie Commission notes:

  "Although national statistics indicate that women Ph.D.'s are being hired primarily at instructor and assistant professor levels in rising proportions, there continue to be problems in many of the traditional male fields. We are not suggesting that, in all fields and in all departments, there should be an exact match between proportions of women among recent national Ph.D. recipients and recently hired faculty members, but extremely wide disparities may be indicative of a failure to seek out qualified women in traditionally male departments." 53/

  Even in fields where women have large numbers, as in education, women may be a minority of faculty. For example, at Kansas State Teacher's College in 1969-70, there were 36 women and 91 men assistant professors, 19 women and 70 men associate professors, and 4 women and 39 men full professors. 54/

Thus, the situation tends to repeat itself across all disciplines. As Robinson's 1972 analysis of reports from 145 educational institutions showed, women are underemployed, both in those fields in which they earn a significant number of degrees, and in those fields in which women doctorates are relatively scarce. 55/

d. By Individual Postsecondary Educational Institutions

The problem women so often face--increased hiring at the lower ranks and continued absence at the higher ranks--can be substantiated by data at university after university. For example:

- In all 20 of the institutions examined by the National Science Foundation in 1974, the employment of women scientists on their faculties was very low. 55a/

- At Columbia University, which has probably granted more doctorates to women than any other institution, and has for years enrolled a high proportion of women in its graduate departments (about 20%), just over 3% of its full professors in 1970 were women. 56/

- At the University of Arizona in 1972, "women represented 38% of the graduate students and 13% of the faculty. Well over 50% of the men who received the doctorate in 1963 or 1964 are associate professors; none of their women counterparts have been promoted to that position." 57/

- At Stanford in 1969, one-half of the men were full professors or associate professors, but fewer than one-tenth of the women were at these ranks. Sixty-seven percent of all women were research associates, instructors or lecturers. 58/ Similar relationships of men to women at each rank were true of the University of Oregon in 1970, 59/ at the University of Washington, 60/ and at CUNY in 1972. Predominantly feminine departments such as nursing and elementary education are not allocated professorial-rank positions with the same frequency as other departments. 61/

- The University of Minnesota, in 1970, reported that about half of its increase in academic staff were women and minorities. "However, women were hired in low positions, on part-time, or one-year contracts, as instructors or research assistants." 62/

e. By Tenure

Tenure is the granting of a permanent appointment to a faculty member. In almost all cases, associate and full professors are granted tenure; in some cases, assistant professors also may obtain tenure. With tenure, various perquisites, which differ from university to university, become available to the faculty member.

Lack of tenure may keep women in positions of lecturers or instructors, making it impossible for them to gain status and increased pay, and barring them from obtaining credit toward sabbatical leaves. In many colleges, faculty without tenure do not serve on committees which make hiring, promotion, and tenure decisions, nor in the Academic Senate, where policy issues are decided.

Considering the importance of tenure, Robinson finds it surprising that, among the 65 institutional reports that she studied, little attention was paid to this variable. In her data, the percentage of the male faculty that was tenured ranged from 8% to 40% higher than the percentage of tenured women. The greatest differences occurred at universities where 52% of the men and only 35% of the women had attained tenure. 63/

In the NEA 1971-72 survey of postsecondary education, 59% of men faculty and 44% of women faculty were in tenured positions. 64/ The highest rate of tenure for men (68%) was at nonpublic four-year colleges, where the rate for women (35%) was the lowest. (See Table III-3.) In 1974-75, NCES data indicated that 57% of the men and 27% of the women held tenured rank. 65/ The smaller percentage of tenured women in 1975 suggests that, between 1971-72 and 1974-75, most of the newly hired women were appointed to positions that were not tenured.

Bayer's data, in 1969, indicated that 49% of the men and 38% of the women were in tenured positions. 66/ In 1973, Bayer's data indicated a higher percentage of tenure among both men (67%) and women (54%) reporting. 67/ However, Bayer's data indicate that 55% of the men and 32% of the women held the rank of professor or associate professor, ranks that usually carry tenure. Twenty-two percent of the tenured women hold a rank below the highest two ranks, whereas 12% of the men are tenured below the highest ranks. This suggests that, although more women have received tenure, they have not been able to obtain equivalent appointments to the higher ranks.

Despite a large jump in women Ph.D.'s, the rise in the percent of women in tenured positions had not equalled the rise for men, and the increase in tenure does not reflect a similar increase in rank. 68/ (See Table III-3)

In a 1974 speech to the AFT, Morton stated:

> "Educational institutions are now projecting that fiscal problems, coupled with reduced student populations, may well prevent them from adding new tenured positions in the future; openings of new tenured positions will occur only when existing faculty retire or terminate employment. These factors can lock in prior discriminatory practices and seriously hamper women's advancement on the faculties. The conflict between seniority and affirmative action in a declining economy is a difficult one and one that is now under consideration in a number of court cases. The conflict becomes even more complex in the university setting, where tenure is considered a bulwark of academic freedom." 70/

Women may have been employed over longer periods of time in nontenured positions than men who have attained tenure. Thus, in academe, tenure may be more detrimental to women than seniority. On the other hand, new appointees will be at a disadvantage, both on the basis of lack of tenure and lack of seniority. The issue is further complicated by the fact that faculty in nontenured positions, who do not receive new contracts, would not be subject to court rulings on "reductions in force," since, technically speaking, nonrenewal of a contract is not firing. Thus, any increase of women faculty during the next few years, or even the continuation of women in academic employment who have not attained tenure, would occur in the particularly sensitive conditions of a declining academic labor market.

f. Projection for Future Employment

One of the results of the GI Bill and of the large infusions of federal money into graduate education and research in the physical and social sciences was to make academe a high-growth profession during the 1950's and 1960's. Since the GI Bill favored men, and the federal infusion of funds tended to support fields that predominantly employed men, the overall impact was to lower the proportion of women among students, researchers, and faculty members in academe.

Federal expenditures in science and education increased until 1966; but, since then, the federal investment has decreased 2% each year. 71/ Overall, this has led to a decrease in the number of faculty positions and the hiring of fewer women. In 1969, there were 23,800 new openings for junior faculty; in 1972, there were only 10,900 such openings. 72/ But, the reduction in jobs seems to have affected women more than it has men. The National Academy of Sciences reports that the unemployment rate for women with doctorates in science, engineering, and social sciences was 3.9%, compared to 0.9% for men. 73/ A study at the University of Michigan of recent doctoral recipients reports that women doctorates were unemployed or underemployed at three times the rate of men doctorates. 74/

On the other hand, junior and community colleges expanded threefold between 1960 and 1970 and are expected to continue to expand until the 1980's, when the number of all faculty members is likely to become stationary or decline. 75/ Since 24% of all women employed in academe are employed in two-year colleges, compared to 18% of the men, this is likely to offer greater opportunities for women's employment.

Projections of supply and utilization of doctorates made by the National Science Foundation (NSF) indicate that there will be a significant over-supply of engineers and scientists by 1980, 70% excess-supply of social scientists, 9% of life scientists, and 10% of mathematicians. Since these fields offer the greatest opportunity, both within and outside academe, other disciplines are expected to have even larger over-supplies. NEA projections indicate an average of only 9,500 new appointees in academe over the next decade. 76/

Under the circumstances, the major opportunity for jobs will be the replacement of existing faculty when they retire or leave academe.

The average age of college faculty in 1970 was 35.9 years which presages some 30 years before the ranks of present faculty will be appreciably reduced by retirement.

Thus low turnover in faculty, lean budgets, and curtailed hiring have already made affirmative action programs difficult to implement. 77/

> "Under conditions of slowing enrollment growth, the academic job market of the 1970's, is quite different from that of the 1960's, and enrollment is likely to be virtually stationary overall in the 1980's, chiefly because of the leveling off in the size of the college-age population that will result from the declining number of births that began in 1957. There are now far fewer new appointments to be made, relative to the size of the existing faculty, than there were in the 1960's. Offers from other institutions are less likely to be made to existing faculty members, and thus resignation rates are declining. Because so many young faculty members were hired in the 1960's, the average age of faculty members is currently rather low, and therefore, retirement rates are low. All of this means relatively few vacancies, and far greater difficulty in adding women and minorities than would have been the case had the affirmative action movement started in the early 1960's. Some institutions are contemplating appreciable reductions in the size of their faculties, and more may be expected to face this exigency in the 1980's. Thus, questions of whether dismissals will be based on seniority--a principle that would adversely affect recently hired women and minorities--has become an issue that academe will face shortly if it is not already an issue." 78/

Carnegie projections 79/ assume that women will reach parity with men in the academic labor force, by the year 2000, with women attaining the same level on faculties of postsecondary institutions as they are expected to have attained in the labor force. This projection is based on the assumption that women will represent 39% of the labor force in the year 2000, and will receive 50% of all new hires from now until then. Women have never accounted for 50% of the new hires, however, and women represented 41% of the labor force and only 24% of all faculty in 1974. 80/ Therefore, it would appear impossible for women to achieve equity in employment in academe by the year 2000 or for many, many years beyond that time.

2. Faculty Salary

Residual salary differentials are noted in virtually all studies comparing salaries of women faculty with those of men. 81/ All the available data show that regardless of rank, type of institution, or discipline, women are paid less than men on the faculties of postsecondary institutions. 82/ In 1968, Bayer and Astin reported that across all work settings, fields of specialization, and ranks, women had both lower average academic incomes and lower salaries than men who had been teaching for the same amount of time. 83/ According to Centra's 1974 study, income--including honoraria, royalties, etc.--as well as salaries, was lower for women, considering years of employment, field, and full- and part-time employment. 84/ Bayer and Astin also reported that salary inequities were more severe for women than were inequities of promotion or tenure; 85/ recent data from NEA point to the same conclusion. 86/ Salary differentials due to sex are much larger than those due to race. 87/ Data on the relative salary levels of faculty men and women over time show that there has been little overall change. Based on the 1970 Census, the median salary of female faculty was less than 70% of that of male faculty--virtually the same as in 1940.

Table 3.--Median salary of college and university professional staff, by sex: United States, 1940-1970

Year	Median salary		Women's salary as percent of men's salary
	Men	Women	
1970*	$9,151	$6,346	69.4
1960	7,207	4,780	66.3
1950	4,348	3,106	71.4
1940	2,654	1,850	69.7

* Instructional staff only.
SOURCE: U. S. Bureau of the Census, 1970 Census of Population.

In actual dollar amounts, Centra's 1974 figures indicate that the median annual income for women ($17,200) was $4,400 less than that of men ($21,600), a disparity of 20%. 88/ Bayer and Astin report a $1,000 difference in salary in 1968-69 and a $600 difference in 1972-73 for all faculty. When rank is excluded in the 1972-73 figures, the difference is over $1,000 between women's actual salary and that salary of men with similar credentials. 89/

Bernard found that in 1959-60 women academicians earned about 15% ($1,000) less than men; 90/ by 1972-73, according to NCES data, the difference had increased to 17% (approximately $2,500). 91/

> "Across all work settings, fields, and ranks, women experience a significantly lower average academic income than do men in the academic teaching labor force for the same amount of time. Within each work setting, field, and rank category, women also have lower salaries. Their mean salaries are as low as 83.8% of the mean salary reported by men and as high as 98.8% of the male mean salary." 92/

During the course of their professional careers, women with doctorates fall increasingly behind their male counterparts in income and faculty rank. Centra's study of women and men doctorates concluded that men were more likely to move into higher-paid faculty ranks or administrative positions. Furthermore, they were more likely to get job offers from institutions with higher salary potentials and were freer to move from one campus to another to accept such offers. But even where faculty rank and experience were the same, men earned significantly more. 93/

Women themselves view salary discrimination as more widespread than discrimination in tenure or promotion. A 1967 study by Simon and others reveals that 40% of women doctorates reported salary discrimination, whereas 33% reported discrimination in tenure and promotion. Centra found the women doctorates in his sample who were concerned with women's issues were likely to mention salary as an area of discrimination; and Ingram found that salary and promotion policy were the two most often mentioned "very important" problem areas. 94/

A variety of reasons are given to justify lower salaries: women constitute a larger proportion of faculties in institutions with lower median salaries; women are viewed as having lower research productivity, and as showing a lack of genuine and full-time professional commitment due to marriage and family responsibilities. Each of these issues have been refuted by innumerable studies that indicate even taking these issues into consideration, there are still differentials that cannot be explained. 95/

A close examination of individual files might reveal some justification for the relatively low compensation received by women. Although the large salary differentials appear to point directly to discrimination, La Sorte suggests that salary decisions involve complex decisionmaking on the part of both the institution and the individual; he concedes that although job performance cannot be evaluated, it does affect salary. 96/ The Carnegie Commission also cautions that "differences in ability and accomplishments are not fully susceptible to statistical measurement and that the existence of residual salary differentials does not provide fully conclusive proof," 97/ of discrimination.

In an effort to determine whether salary inequities are the result of sex discrimination or are partially or wholly attributable to other factors, studies have been designed to control predictor variables that might explain the salary differences; these studies still reveal residual salary differentials in favor of men, 98/ as shown in the discussion of different variables below.

a. By Rank

The importance of the effect of rank on predicting salary has been often cited by the researchers. According to Bayer and Astin, rank and productivity are the two most important predictors of salary; 99/ rank is so important that it must be controlled in order to examine the effect of other variables. 100/ Darland et al., consider rank to be one of the three most important predictors of salary. 101/ The 1972 NEA data on salary of men and women at each rank confirm these findings: Men earn more at each rank but the differences based on total faculty are much greater than when based on separate ranks. 102/

Many of the more recent studies indicate a tendency toward salary equality for men and women at entering or junior ranks. As the rank becomes higher, the salary differential increases to women's disadvantage. 103/ Bayer and Astin report a difference in 1972-73 of $1,680 at the rank of full professor for men and women with identical characteristics. 104/ Schiller reports a similar trend for librarians. 105/

Salary differences based on total faculty by sex are greater than the differences shown for separate ranks, because women are heavily concentrated in lower ranks. 106/ This is emphatically the case at the university level. In 1975, the separate ranks at universities reflect a salary difference between men and women faculty of 11% for professors, 6% for associate professors, 6% for assistant professors and 7% for instructors and lecturers. However, the salary difference based on total faculty is 24.9%, an increase of 2% in the salary difference between men and women since 1973. (See Table III-4.)

The situation is the same at four-year colleges; the salary difference based on total faculty is 14% while at the separate ranks the differences range between 5% and 7%. Only at two-year colleges is the situation somewhat different. The total faculty-salary difference at those colleges is 10%, lower than at universities and four-year colleges. At the full professor rank the difference is 7%; at the associate and assistant professor ranks, women attain near equity with salary differences of only 1% and 2%. However, at the instructor level the difference rises to 12%. (See Table III-4.)

Of additional interest is the fact that with few exceptions 107/ the difference of salary between men and women increased from 1973 to 1975 at all types of institutions of higher education. (See Table III-4.) Thus, regardless of arguments that women are closing the gap on higher education appointments and promotions due to affirmative action, on the critical question of salary equity, the situation has worsened, not improved, despite the fact that sex discrimination in employment in all higher education institutions became illegal in 1972.

The Carnegie report points out that many institutions have formal salary schedules for regular faculty ranks, but sometimes lack formal and/or equitable salary structures for lecturers, nonfaculty research personnel, and librarians 108/, positions that are usually occupied by women. 109/ For institutions with a formal salary structure, discrimination does not take the form of paying a woman a lower salary than a man when she is in the same step of the same rank, but rather it takes the form of not moving her up through the steps and ranks as quickly. In Scott's analysis for Carnegie in research universities, salaries increased with years of academic employment about twice as fast for men as for women. 110/

b. By Type of Institution

NEA data suggest that from 1959 to the present the gap between median salaries of men and women in public institutions remained largely unchanged and more recently has actually widened. In nonpublic institutions, on the other hand, the gap between median salaries of men and women has been closing, and in 1971-72, the gap was actually less than the gap in public institutions. Even though the public institutions tend to have formal salary structures more often than private instititutions, federal and state agencies or the courts have found the existence of sex discriminatory practices, as far as salaries are concerned, at public universities and colleges. 111/

Table 4.--Relative median salary of men and women faculty at public and private institutions of higher education, for various years: United States, 1959-1972

Year	Median salary of women faculty as a percent of median salary of men faculty	
	Public institutions	Nonpublic institutions
1959-60	93.6	86.9
1961-62	93.0	89.4
1963-64	95.0	88.6
1965-66	93.2	91.7
1971-72	90.1	93.7

SOURCE: National Education Association Research Memo, 1973-7, "The Status of Women Faculty and Administrators in Higher Education Institutions, 1971-72."

Salary increases for women have been greater in public, two-year colleges than in four-year colleges and in universities. The traditional pattern of relatively large salary differentials between men and women faculty in universities, intermediate differentials in four-year colleges, and relatively small differentials in two-year institutions continued to prevail in 1974-75. 112/ NEA data also indicate that the median salary of women faculty at universities is 81% as high as the median salary level for men and in four-year colleges is 88% as high as men's. The gap is smaller among faculty in two-year institutions where the median for women is 90% that of men. 113/

The Carnegie Commission report attributes some of the salary increases at two-year colleges to the increasing demand at the instructor level for faculty members with specialized knowledge or experience in vocational fields. Occupational programs in public two-year colleges are expanding rapidly and the job market reports for teachers continue to comment on the need for vocational education teachers. 114/ In Carnegie's 1969 study Scott found the greatest salary differences at research universities. The differences were more moderate in other universities and smallest in comprehensive universities and colleges. 115/ Astin and Robinson data confirm these differences. 116/ Robinson agrees that salary differentials are greater the higher the rank, and the greatest differential is at the highest rank at the most prestigious universities.

c. By Discipline and Field of Work

According to Simon, Clark and Galway, men earn approximately $700 a year more than women among recent doctoral recipients in academic settings. However, they found that this varied by academic field, ranging from a differential of more than $1,000 a year in education and $800 in the natural sciences, to about $400 a year in the humanities. 117/

Several researchers found the greatest salary variations in the physical and biological sciences where men's salaries are greater than any prediction formulae would forecast. 118/ The Carnegie Commission report suggests that a possible reason for this is the highly competitive job market for men with scientific talent. 119/ Astin found that women doctorates in the physical sciences (where there was a demand to employ women outside of academe) were better rewarded than those in the biological sciences. 120/

In Research Universities I (see footnote 4), men in the biological and physical sciences received salaries from $1,000 to $13,000 above the amount that would have been predicted based on all variables. Salaries of women in biological and physical sciences in similar universities fell below the predicted salaries by amounts similar to the amounts that men were above predicted levels. 121/

Salaries tend to be lower in those departments with greater numbers of women faculty 122/ and a lower concentration of men such as in the social sciences and humanities. 123/ Astin found salaries to be lower in the fields of specialization that lead primarily to teaching, such as humanities, than in those that lead to research. 124/ Morlock's study confirms that the salaries of women are closer to those of men where the analysis is limited to those of both sexes who are primarily teaching. 125/

Howe, Morlock, and Beck found strong evidence of salary differences between men and women full-time faculty in English and modern foreign language departments. These findings indicated that regardless of whether the women taught languages at a college that awarded only an A.A. degree or at a university that awarded a Ph.D., women are paid lower salaries than men at the same ranks, in the same department, in the same type of college or university. 126/

In the field of political science, women earn only about 60% the salary of men. Converse and Converse explored a wide range of factors in an attempt to explain the large difference; they concluded that, "there remains an income decrement for women relative to men who are comparable to them in a wide range of regards." 127/

Even unmarried women whose career paths are most like those of their men colleagues, receive only about 90% of the income of comparable men. 128/

In economics, men faculty earn about $650 a year more than married women and about $1,100 more than unmarried women. In sociology, the difference was found to be about $1,150 between the sexes and in history about $800. 129/

Length of experience increases the difference found in the salary of men and women faculty, but the length of experience related to the greatest differences varies by discipline:

> "Classifying experience by five-year intervals up to 30 years, the sex-salary-differential is largest in percentage terms at 20 years for economics and physics, at 25 years for sociology, and at 30 years for anthropology, biology, and mathematics. In other words, in the first three disciplines the sex differential for salaries narrowed somewhat (1, 2, or 3 percentage points) after 20 or 25 years of experience; in the other three disciplines the sex differential continued to enlarge a few percentage points up to the thirtieth year of experience, the final year included in the analysis." 130/

Schiller reports that women librarians employed in postsecondary institutions receive lower median salaries than men by $3,400 and found no major difference in personal qualifications to account for the salary difference. Even men who are not chief librarians do as well as women who are chief librarians. Men earn more than women as librarians at all levels of professional experience, but the difference is much greater at the higher levels, with 10 years experience and equivalent qualifications. 131/

d. By Individual Institutions

Robinson has reviewed over 150 published studies of individual colleges; virtually all the studies deal with salaries and report that salary differentials exist. Nearly all of the studies employ multiple correlation techniques with varying rationales and variables to determine the cause of salary differentials between men and women. 132/ Examples are:

- A 1971 study at the University of Minnesota shows that women's median salary was less at every rank, ranging by academic divisions from 77%

to 57%, except for the rank of research associate where women earned 5% more than men. The overall median salary for women was 32% less than men's. 133/

- At the University of Oregon, in 1970, women averaged less pay at every rank. University-wide, women earned $2,611 less than men. In the College of Liberal Arts, a woman can expect to earn $4,460 less, whereas in the professional schools she earns $1,667 less than a man when both are employed on a regular, nine-month, full-time basis. 134/

- Hamovitch and Morgenstern undertook a study at Queens College in 1972 to determine the extent of sex discrimination in that school. They found that:

  > "Women who are employed at Queens College . . . . are paid $2,000 less than their male counterparts holding constant the available measurable factors that allegedly determine rank and salary." 135/

- A salary profile of the faculty at City University of New York was developed in 1971 to show the distribution of women and men at different salary steps. The profile indicated that at the highest salary level of $31,000 there were 407 men (13%) and 59 women (5%); at the bottom of the salary scale earning $14,499 or less were 11% of the men and 23% of the women. 136/

- A Johnson and Stafford study (based on 1970 data) at Michigan State University, women's starting salaries averaged 3% lower than corresponding men faculty at the entry level. However, after 15 years of academic experience, the differential had grown to 20%, and then declined somewhat with more years of experience. 137/

- Reagan and Maynard's 1974 study at Southern Methodist University found that about three-fourths of the women faculty had salaries markedly below those of men with corresponding credentials and productivity. The salary of individual women ranged from 5% to 50% less than the average for comparable men. 138/

Testimony at hearing before the Special Subcommittee on Education of the House Committee on Education and Labor in 1974 cites many institutions that have begun to eradicate differentials in salaries between women and men. Cases in point are: the University of Wisconsin which gave 870 women "equity adjustment increases" ranging from $20 to over $6,000; the University of Nebraska which raised the salaries of 289 women employees at a cost of $400,000; and the University of South Florida, where the salary increases for 100 women totalled $151,000. 138a/

e. Other Variables Affecting Salary

Researchers have utilized numerous variables in an attempt to analyze salary differences of men and women. Darland (1974) undertook regression analyses on more than 25 predictor variables, establishing separate equations for men and women. The analysis revealed that length of time employed, administrative activity and mobility increased men's salaries twice as much as women's. Time devoted to research and publishing books before reaching a mature age also brought more rewards to men than to women. The salary differential due to sex was much larger than that due to race. There was a slight tendency for Black men to be underpaid compared to White men, and for Black women to receive more compared with White women. On the other hand, differences due to sex persisted for all races. Women tended to be paid less than men in almost every combination of field and type of college no matter what their race. 139/

Darland's results were confirmed by the results of Johnson and Stafford's extensive study for Committee Z of the American Association of University Professors. 140/ On the other hand, Gordon found that both Black men and Black women earn significantly more than Whites of the same sex; they suggest that this may be due to the recent sharp increase in demand for Black faculty and the small available supply. 141/

The belief that the difference in salary between men and women is attributable to the withdrawal of women from the labor market during their childbearing years is not supported by the research; highly educated women do not withdraw from the labor force any more than men do. 142/ Astin-Bayer found that nearly one-fourth of all faculty had interrupted their professional careers for more than one year, and that a greater percentage of men than women had done so. 143/

On the other hand Centra finds that men spend more time in the labor force which could partially explain their higher salaries. 144/ However, Gordon's research indicates that length of time in employment, which is a predictor for men, does not produce a commensurate salary increase for women. 145/ Darland's analysis shows that length of time in employment has twice as much influence on increasing men's salaries as it does for women. 146/ Darland also found that women with children earned less than women without children, 148/ Morlock's and Leive's data showed that childless married women are paid no better than those with children. 149/ However, single women receive somewhat higher salaries than married women. 150/ Astin's The Woman Doctorate 151/ confirmed the tendency for married women to make lower salaries than single women, even if the married women were working full-time. Astin's interpretation suggests that a possible cause of a married women's low pay may be her lesser monetary demands; she also suggests that the lower salary for married women may be due to the attitude of men decisionmakers, who justify paying married women lower salaries on the grounds that their salaries represent a second source of income for the family.

Johnson and Stafford state that salaries of women academics decline relative to men's, based on the number of years since receipt of Ph.D. up to about age 45 years. 152/ When age is considered, Leive found older single women earned somewhat higher salaries than their married counterparts. 153/

Johnson and Stafford report that except for the fields of mathematics and physics, women who received their doctorates from prestigious schools do not have significantly higher salaries than women who attended less prestigious graduate schools. They attribute this to the fact that major monetary benefits accrue only after considerable post-degree experience and this experience is not as consistently acquired by women as by men. 154/ Bayer and Astin also reported that the type of institution from which one earned the highest degree, is predictive for men, but not for women. 155/

Lester cautions about using the residual approach in attempting to determine the existence of discrimination, since residual differences may be due to significant factors that are not subject to computer analysis. Additionally, he states, earning power is contingent upon experience acquired in years of teaching or research, which, for women, is spread over a longer period of time. This may result in smaller net increases in women's earning power partly because of an obsolescense of knowledge and skills in fast-moving fields. 156/ Bayer and Astin's response to the residual issue is to point out that the "unmeasurables" are no more likely to be possessed by men than women, but rather that the cumulative effects of sex discrimination make it more likely that the women who succeed are particularly well qualified. 157/ Darland found that mobility increased salaries for men by twice the factor that it does for women. He suggests that this may be a product of the fact that men move in order to improve their employment situation, whereas women often move because of their husbands' transfers. 158/ Centra, and Loeb and Ferber also found that the greater mobility of men materially affected their salaries. 159/

Other findings (not all of them in agreement) that emerge from studies of predictor variables include the following:

- Productivity is a variable that has a positive predictive correlation with salary for both men and women (Bayer and Astin). 160/

- However, publication was found to be a variable with a positive correlation for men's salaries but not for women's (Loeb and Ferber). 161

- Fellowships are positive predictors for women but not for men (Bayer and Astin). 162/

- Administrative duties are positive predictors of salary for women (Astin). 163/

- But administrative duties produced twice the salary increase for men than for women (Darland). 164/

- Teaching in a department that grants Ph.D.'s is also a positive predictor variable; women are four times more likely to be teaching in a department that grants only the BA or MA. 165/

Various studies, based on differing samples and statistical methods, show discrepancies as to which variables account for the difference between men and women's salaries, but the overwhelming weight of the evidence supports the argument that whether women's salaries are analyzed by institution, by rank, or by discipline, their salaries are consistently below those of men.

B. ADMINISTRATORS

1. Presence

Available data on women administrators in academe are sparse and not uniform. This problem is complicated by the fact that some studies reflect data on all administrators including special assistants and non-policymakers, while others reflect data only on those in top policymaking positions.

An NEA study based on data collected in 1971-72 showed that the percentage of women in administrative positions averages 15% in four-year institutions and 14% in two-year institutions. 166/

A 1975 report of junior, community, and technical colleges indicated that there were 17,632 college administrators of whom 4,246 or 24% were women, about the same percentage as the distribution of women on the faculties of two-year colleges. 167/

A study of upper level administrators in state universities and land-grant colleges in 1970-71 168/ revealed that over half of the 118 institutions had not appointed women to administrative posts in the five years prior to the study, that 60% did not have any women in upper level administrative posts, and that in 17 states there were no top-level women administrators. 169/

A number of studies have examined the position of college president specifically. An NEA study (1971-72) showed that only 32 out of the 950 college presidents at four-year institutions (3.0%) and only three out of the 523 college presidents at public two-year institutions (0.6%) were women. 170/ "In the latter part of 1971, virtually no four-year coeducational institution was headed by a woman. Even among the nonsectarian women's colleges there were only eight with female presidents." 171/

Oltman's study reported in the AAUW Journal (1970) describes just how rare it is to find a woman among college presidents: no institution with an enrollment over 10,000 students had a woman president. 172/ Of the select Seven Sisters women's colleges, one of which is now coeducational, three are headed by women and two are "coordinate" colleges gradually losing their separate identities. No woman heads, or appears likely to head, any of the Ivy League colleges for men which have recently become coeducational. 173/ Women who do hold administrative posts are most often found in middle-management positions which have only a minor relationship to policymaking. In 34 coeducational colleges and universities surveyed by Oltman in 1970, there were no women department heads; and the mean number of women department heads in the total sample was less than three per institution. 174/ Where women do serve as department heads, they are found mainly in the traditionally "feminine" fields--home economics, physical education, English, foreign languages, nursing and education-- 175/ and in numbers that are not commensurate with their presence on the faculty. For another example, in the fall of 1971 the City University of New York (CUNY) found that only 18% of the departmental chairpersons of the 18 institutions in the CUNY system were women, although nearly 30% of the total faculty in the institutions were women. 176/ Only one of the colleges had a larger percentage of women department heads than the percentage of women tenured faculty; only in five departments was the percentage of department heads similar to the tenured faculty who were women.

Of the coeducational campuses surveyed by Oltman, 93% to 98% employed only men in the positions of president, vice-president, director of development and business manager during the past three years; 82% had no women in positions of dean of students, director of counseling, and college physician; 72% to 79% had only men in the positions of academic dean, associate or assistant academic dean, director of placement, or director of financial aid. 177/ Anderson reports that among deans of instruction at junior and community colleges, 98% were men and 2% were women. 178/

According to a National Association of State Universities and Land-Grant Colleges (NASULGC) report of a survey conducted in 1972-73, women are making small, but significant, inroads into the administrative operations of state and land-grand universities. 179/ According to their data, 864 women were holding major administrative positions during the 1972-73 academic year which represents a substantial increase in the involvement of women in decision-making functions as compared to Arter's study done in the previous year, 1970-71. 180/ Sixty percent of the institutions surveyed by Arter did not have any women administrators in 1971-72, while in the 1972-73 NASULGC survey, all but one of the institutions responding had at least two women administrators. 181/

Although women may be making inroads, their typical positions are those of "assistants to" or "associates of." Whereas for men the rank of administrative assistant is often a beginning post, or first step in an administrative career, women tend to remain in that position. It is frequently a position women achieve at the end of their careers as a "reward for long and faithful service" to the university. 182/ The 1972-73 NASULGC study showed that three women held the position of president or chancellor while 43 women were assistants to that position; 166 women held the position of chief officer and 246 were directors of administrative sections, but 359 women held positions that were associates or assistants to these positions. 183/

Another factor which somewhat clouds the issue is that colleges and universities have developed a myriad of classifications and titles for non-academic staff employed in administrative assistant positions. Bayer reports a study at one university which had 29 different classifications of nonacademic employees. 184/ It is often unclear how job responsibilities under these titles differ and it is therefore difficult to make comparisons; there is also some indication that women may be given lesser titles and lower pay than men, yet are required to perform the same work. 185/

By and large, however, regardless of the administrative role they play, women are usually consigned to traditional "female" job categories. 186/ Oltman finds that women holding department chairmanships are mostly in home economics, physical education, English, languages, nursing and education. 187/ When women are appointed to deanships or other administrative positions, they are usually required to deal only with women students or with problems involving women. In 1972-73, three-quarters of the women working as administrators in Ivy League schools were assigned to student services. 188/

Present trends indicate that even in fields where women have been well represented, they are losing ground. For example, in 1930 there were 19 chief librarians in the 75 largest colleges and universities; in 1967, only four of these 75 libraries had women at their head. 189/ Reorganizations of colleges and universities which lead to centralized administration have also tended to work against women; as coeducational institutions replace the separate dean of men and dean of women, men are usually chosen to fill the combined post. 190/

Lilli Hornig, Executive Director, Higher Education Resources Services (HERS) at Brown University, feels that if present trends continue, few women will enter the ranks of college and university administration before the end of the century, since the pipeline to these jobs is almost empty of women. 191/

2. Salary

The 1972 NEA study of postsecondary administrative salaries shows that in four-year institutions, the only administrative position for which the median salary of women was higher than that of men in a comparable position was dean of women. The amount by which the median annual salary of men exceeded that of women ranged from $321 (for chief librarian in nonpublic two-year institutions) to $11,319 (for executive vice-president in four-year institutions). 192/ Particularly at the two-year college level and in some instances at the four-year level, the analysis of data is hampered by the fact that the number of women occupying these positions is so small; this reflects the scarcity of women in influential positions.

A study by the National Association of Women Deans and Counselors shows an almost perfect correlation with the NEA study: women deans ranked 50th out of 53 administrators in salary. 193/

The 1970 Census reports that the median wage and salary earnings for men identified as college administrators was $14,036; for women holding those positions the median salary was $7,597. 194/ Based on Census data, women's median salary is 54% of men's; so great a difference cannot be attributed to the type of college or university in which the position exists, but only to the type of administrative jobs that women fill and to discriminatory practices.

C. ADULT AND CONTINUING EDUCATION

There is no universally accepted definition of either adult 195/ or continuing education 196/ and studies and reports on these fields do not define the terms with any degree of precision. Broadly speaking, however, adult education can be defined as part-time, usually evening educational programs provided by secondary schools or junior colleges for adults who have left school with or without a high school diploma. Continuing education usually consists of part-time educational programs at colleges or universities for people who have left school, but return either to complete their degrees or to take graduate courses.

Although both adult and continuing education are extensive fields-- in FY 1970, for example, one study reports that there were 9 million students and 250,000 instructors engaged in adult education alone, 197/ there have been virtually no studies of the status of women faculty or administrators in adult and continuing education. Since many teachers of adult and continuing education also teach full-time in high schools and colleges, the data on these teachers and faculty are reported for their full-time roles rather than their part-time roles. The information presented here is based on a study of the Kalamazoo Public Schools and data from the U.S. 1970 Census on teachers of adult education.

The Kalamazoo Report states that as of July 1972, there were only two people employed by the school system in adult education, a principal and a part-time aide; both were men. 198/

The summary data from the 1970 Census on Adult Education Teachers (see Table III-5) show that women represent more than 40% of those teachers. Yet 52% of the women earn less than $5,000 a year and 43% work less than 35 hours a week. Of the men teachers, however, 44% earned more than $10,000 a year and 29% worked more than 40 hours a week. Only 9% of the women earn more than $10,000 a year and 10% work more than 40 hours a week. 199/ It would appear that for many women, adult education teaching is a part-time, low salaried occupation.

In our efforts to obtain data, Dr. Margaret Jones, Associate Director of the National Foundation for the Improvement of Education was interviewed. Her statement, which we quote with her approval, appears below:

> "Adult education programs are not considered in the purview of the formal educational systems that we are acquainted with. Since such programs are both publicly and privately operated, under a variety of contracts with the federal government, data tend to be fragmented with no organized system to collect the data and cannot be appropriately aggregated. Therefore, available data are not meaningful and at best they are 'guesstimates.' Nobody in the United States can accurately determine the professional status of teachers in these fields, much less their race or sex. Very little can be done now except to create and implement a systematic monitoring system to accumulate the data." 200/

The Kalamazoo report states that seven people were employed in continuing education as of July 1972: a woman principal and six full-time teachers, five women and one man. The concentration of female staff may have been influenced by the fact that continuing education in the last decade has concentrated on the needs of adult women returning to the labor force. 201/

Many studies describe the types of programs needed by adult women returning to colleges and the characteristics of the students; however, none that we have been able to identify consider the characteristics of the faculty.

FOOTNOTES

1. Bayer, Alan, College and University Faculty, American Council on Education (ACE), 1970. The reason for the differences in reported percentages between the American Council on Education (ACE) and the National Center for Educational Statistics (NCES) is apparently due to the differences in their samples. The ACE sample more heavily represents university faculty, the NCES reports are based on even representation of all types of institutions of higher education.

2. U.S. Department of Health, Education, and Welfare, National Center for Educational Statistics (NCES), Digest, 1973.

3. Bayer and Astin, Science, May 23, 1975; Bayer, ACE, Teaching Faculty in Academe, 1973.

4. Carnegie, Opportunities for Women, 1973; note that, unless otherwise stated, references to "elite" or "prestigious" institutions throughout the study refer to the ratings devised for American Council on Education (ACE) (Cartter, An Assessment of Quality in Graduate Programs, ACE, 1970.) The categories were derived as follows:

   To develop the prestige groupings, the 1964 and 1969 American Council on Education (ACE) ratings of graduate programs (Cartter, 1966; Roose and Andersen, 1970) were utilized to divide doctoral-granting institutions into five categories. Group I (Research I) includes the 10 top ranked universities. Group II (Research II) comprises the next 20. "Elite" or "Prestigious" universities include Group I and II. Group III and Group IV include 104 degree-granting universities. (Doctoral Granting Universities) Group V is made up of 118 doctoral-granting universities unranked in the ACE studies, which only included universities that averaged at least 10 Ph.D.'s per year for the preceding decade.

The non-doctoral-granting four-year institutions were similarly grouped into five classes on the basis of an unpublished study done by Cartter in 1965 in which five qualitative measures were used to find proxies for prestige. None of these measures was adequate, but in concert they appeared to give a reasonably good rank ordering of colleges. The five indices, based largely on Office of Education and ACE data, were educational and general expenditures per full-time equivalent (FTE) students, books per student in college library, average compensation per faculty member, percentage of faculty whose highest degree was the doctorate, and percentage of BA's who won national doctoral fellowships, such as Woodrow Wilson, NDEA, and NSF awards.

Group IV ("Elite" colleges) elite four-year colleges includes such institutions as Amherst, Claremont Men's College, Wellesley, and Hamilton among the 36 so classified. Groups VII through X include the other four-year colleges.

Group XI, includes all two-year colleges in the country.

Any such categorization is imprecise and may not adequately measure the true quality of education provided to students or the institution's desirability as an employer for new doctorates. However, even a rough ranking system should provide a more accurate picture of the academic labor market than that obtained if one assumes all institutions are alike and equally desirable. (Adapted from Cartter and Ruhter, The Disappearance of Sex Discrimination in First Job Placement of New Ph.D.'s, Higher Education Research Institute, Los Angeles, California, 1975.)

5. Astin, The Woman Doctorate in America, 1969.

6. Graham, "Women in Academe," Science, 1970.

7. Elliott, Statement, Hearings, Special Subcommittee on Education, Committee on Education and Labor, House, Part 2B, 1974. Based on studies of the status of women at the University of California, Berkeley; University of California, Santa Cruz; University of Chicago; University of Minnesota Law School; and in fields of specialization: American Economics Association, American Political Science Association, Modern Languages Association, American Women in Science, and others.

   That women have entered the more prestigious graduate schools appears to hold true even though, as Astin points out, women must sometimes attend the graduate school of second choice because of their limited mobility or other factors often related to their family responsibilities. See also Carnegie, Opportunities for Women, Chapter 6.

8. Astin, Woman Doctorate in America, 1969; Centra, Women, Men and the Doctorate, 1974; Bayer, ACE study, 1970, op. cit.

9. Kistiakowsky, Vera, "Women in Engineering, Medicine and Science," paper for Conference on Women in Science and Engineering, National Research Council, June 1973.

10. Elliott, op. cit.

11. Bayer and Astin, Science, op. cit.; Cartter and Ruhter, The Disappearance of Sex Discrimination in First Job Placement, 1975.

12. Carnegie, Making Affirmative Action Work, 1975; Bayer and Astin, Science, op. cit.

13. Centra, Women, Men and the Doctorate, 1974.

14. Robinson in Rossi and Calderwood, Academic Women on the Move, 1973.

15. Guttman, Helene M., Statement, Hearings, op. cit.

16. Rossi, "Status of Women in Graduate Departments of Sociology," American Sociologist, February 1970.

17. Bayer and Astin, Journal of Human Resources, 1972; Bayer and Astin Science, op. cit.

18. Carnegie, Making Affirmative Action Work, op. cit.

19. Because individual institutions do not study the status of women on their faculties on a regular basis, it is not possible to indicate trends.

20. Leppaluoto, "Attitude Change and Sex Discrimination: The Crunch Hypothesis," 1972.

21. Parrish, "Women in Top Level Teaching and Research," American Association of University Women Journal, Vol. 55, No. 2, January, 1962. Parrish selected 20 schools as representative of leading United States institutions: ten were chosen on the basis of endowment and ten on the basis of size of enrollment. The institutions were surveyed in February and March 1960 on total faculty by sex and rank for all teaching appointments and for 28 selected disciplines. At that time, the participation rate for women in all U.S. institutions of higher education was 23%, but in 18 of the chosen schools it was only 10% -- 11% in the high-enrollment schools and 5% in the high-endowment schools. Universities and colleges were classified based on this data. Robinson's study was done in 1971.

22. Robinson in Rossi and Calderwood, op. cit.

23. Graham, "Women in Academe," *Science*, 1970.

24. Ibid.

25. The "Seven Sister" colleges are Barnard, Bryn Mawr, Goucher, Radcliffe, Smith, Vassar, and Wellesley.

26. Graham, *Science*, 1970, op. cit.

27. Cartter and Ruhter, op. cit.

28. Carnegie, *Opportunities for Women*, op. cit. Research I, II, Doctoral, etc.)

29. Ibid.

30. U.S. Department of Health, Education, and Welfare, National Center for Educational Statistics, (NCES), Preliminary Report, January 29, 1975.

31. Carnegie, *Opportunities for Women*, op. cit.

32. Bayer, *Teaching Faculty in Academe*, 1973.

33. Bayer, *College and University Faculty*, op. cit.

34. U. S. Department of Health, Education and Welfare, NCES, Preliminary Reports for February 16, 1973, and for January 29, 1975.

35. Centra, op. cit.

36. Cartter and Ruhter, op. cit.

37. Carnegie, *Making Affirmative Action Work*, op. cit.

38. These three fields reported for postsecondary education as a single group; 1970 Census of Population, *Occupational Characteristics*

39. Robinson in Rossi and Calderwood, op. cit.

40. Vance, "Sexism in Anthropology." Newsletter, *American Anthropology Association*, 1970.

41. Ezorsky, Statement, *Hearings*, op. cit.

42. Rossi, *American Sociologist*, op. cit.

43. Fuentes and Glass "Sex Discrimination in Educational Institutions," mimeographed, December 3, 1971

44. Hoffman, D.T., "Women in Psychology," mimeographed, undated.

45. Committee of Women in Psychology, "Survey of Departments of Psychology, 1972 and 1973," American Psychological Association; National Research Council, Conference on Women in science and Engineering, June 1973: report on the study by the American Psychological Association for the academic year 1971-72.

46. Committee of Women in Psychology, "Survey.," op. cit.

47. Green, *Women on Chemistry Faculties of Institutions Granting the Ph.D. in Chemistry*, July 1974; Carnegie, *Making Affirmative Action Work*, op. cit.

48. Lieve, *Hearings*, Joint Economic Committee, 1973; data based on analysis of American Chemical Society surveys, 1962-1973.

49. Guttman, Hearings, Special Subcommittee on Education, Part II B, 1974, based on research.

50. Leive, Loretta, Chairperson, Committee on Women in Biochemistry, American Society of Biological Chemists, Report, 1973.

51. Bayer, ACE, *Teaching Faculty in Academe*, op. cit.

52. Munzer, Helen B., Executive Secretary, Committee on the Status of Women in the Economics Profession, Preliminary Report (Survey of 239 departments of economics) 1974; Munzer, Statement, *Hearings*, op. cit.

53. Carnegie, *Making Affirmative Action Work*, op. cit.

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Table III-1.--Faculty in higher education institutions, by sex, type of institution, and faculty position: United States, 1972-73 and 1974-75

Type of institution and faculty position	Faculty 1972-73			Faculty 1974-75		
	Distribution in positions		Women (percent of all faculty)	Distribution in positions		Women (percent of all faculty)
	Men	Women		Men	Women	
All institutions						
Total	100	100	22	100	100	24
Professors	26	10	10	26	9	10
Associate professors	25	17	10	27	17	17
Assistant professors	34	37	24	30	36	27
Instructors	16	37	39	17	37	41
Universities						
Total	100	100	16	100	100	19
Professors	7	4	22	8	6	25
Associate professors	13	9	25	12	8	25
Assistant professors	22	21	32	16	18	34
Instructors	59	67	36	63	69	35
Four-year colleges						
Total	100	100	23	100	100	25
Professors	24	11	13	25	11	13
Associate professors	27	19	18	29	21	19
Assistant professors	38	42	25	36	43	28
Instructors	11	28	43	9	26	47
Two-year colleges						
Total	100	100	33	100	100	35
Professors	7	4	22	8	6	25
Associate professors	13	9	25	12	8	25
Assistant professors	22	21	32	16	18	34
Instructors	59	67	36	63	69	35

NOTE.--Full-time on 9-10 month contracts.

SOURCE: National Center for Educational Statistics, Preliminary Report, February 16, 1973; January 29, 1975.

Table III-2.--College and university teachers, by sex, racial/ethnic origin, and subject area: United States, 1970

Subject area	Total			White			Black		
	Men	Women	Percent Women	Men	Women	Percent Women	Men	Women	Percent Women
Total	358,898	144,136	29	337,689	131,370	28	8,651	7,731	47
Home economics	329	4,036	92	290	3,623	93	16	259	94
Art, drama and music	20,162	10,727	35	19,140	10,219	51	735	320	30
Foreign language	12,458	10,886	47	10,668	9,517	47	229	117	34
Health	14,894	13,550	48	14,118	12,154	46	263	948	78
English	23,155	16,650	42	22,405	15,518	41	344	766	69
Business and commerce	9,619	4,470	32	9,324	3,913	30	126	493	80
Psychology	9,091	3,813	28	8,813	3,579	29	184	129	41
Education	5,390	2,234	29	5,168	2,036	28	153	173	53
Coaches and physical education	12,696	4,495	26	11,995	4,285	26	549	99	15
Sociology	5,295	1,681	24	4,847	1,530	24	213	132	38
Biology	16,176	4,438	22	15,317	4,036	21	372	106	22
Trade, industrial and technical	2,765	689	20	2,475	647	21	269	42	14
Social science	10,052	2,663	21	9,646	2,425	20	186	201	52
Mathematics	21,162	4,711	18	19,767	4,277	18	583	244	30
History	14,161	3,070	18	13,397	2,846	18	388	115	23
Theology	4,386	881	17	4,219	881	17	70	-	0
Chemistry	13,641	1,804	12	12,879	1,654	11	236	54	19
Atmospheric (earth, marine, space)	4,237	544	11	4,149	519	11	-	-	-
Economics	9,321	879	9	8,983	824	8	113	15	12
Law	2,836	197	6	2,726	197	7	62	-	0
Engineering	16,207	1,069	6	15,073	957	6	162	76	32
Physics	13,814	634	4	12,851	615	5	146	-	0
Agriculture	4,923	254	5	4,747	219	4	72	15	17
Other and not specified	112,128	49,761	31	104,692	44,399	30	3,380	3,427	50

Table III-2.--College and university teachers, by sex, racial/ethnic origin, and subject area: United States, 1970 -- Continued

Subject area	Chinese			Filipino			Japanese		
	Men	Women	Per-cent Women	Men	Women	Per-cent Women	Men	Women	Per cent Women
Total	4,077	1,081	21	113	256	69	1,764	741	30
Home economics	23	9	28	-	-	-	-	45	100
Art, drama and music	62	-	0	-	40	100	37	83	59
Foreign language	150	104	41	-	-	-	138	106	43
Health	181	121	40	20	-	0	43	85	66
English	96	102	52	-	-	-	-	37	100
Business and commerce	39	-	0	-	-	-	-	20	100
Psychology	54	24	31	23	42	65	-	39	100
Education	-	-	-	-	-	-	-	-	
Coaches and physical education	19	-	0	-	-	-	17	19	53
Sociology	24	19	44	-	-	-	111	-	0
Biology	99	73	42	20	65	77	154	106	41
Trade, industrial and technical	-	-	-	-	-	-	-	-	-
Social science	38	17	31	-	-	-	25	-	0
Mathematics	318	88	22	31	-	0	119	24	17
History	116	56	33	-	-	-	58	20	26
Theology	19	-	0	-	-	-	-	-	-
Chemistry	262	74	22	-	-	-	49	-	0
Atmospheric(earth, marine, space)	67	25	27	-	-	-	-	-	-
Economics	103	21	17	-	19	100	41	-	0
Law	20	-	0	-	-	-	-	-	-
Engineering	545	-	0	19	-	0	140	-	0
Physics	389	-	0	-	-	-	122	-	0
Agriculture	41	-	0	-	-	-	21	20	49
Other and not specified	1,412	348	20	-	90	100	689	137	17

Table III-2.--College and university teachers, by sex, racial/ethnic origin, and subject area: United States, 1970 --Continued

Subject areas	American Indian			Spanish*		
	Men	Women	Percent women	Men	Women	Percent women
Total	381	235	38	6,023	2,722	31
Home economics	-	20	100	-	80	100
Art, drama and music	-	-	-	188	65	26
Foreign language	20	19	49	1,253	1,023	45
Health	63	21	25	206	221	52
English	37	21	36	273	206	43
Business and commerce	-	-	-	130	44	25
Psychology	-	-	-	17	-	0
Education	-	-	-	69	25	27
Coaches and physical education	-	20	100	116	72	38
Sociology	-	-	-	100	-	0
Biology	-	30	100	214	22	9
Trade, industrial and technical	-	-	-	21	-	0
Social science	66	20	23	91	-	0
Mathematics	19	44	70	325	34	10
History	-	-	-	202	33	14
Theology	-	-	-	78	-	0
Chemistry	21	-	0	194	22	10
Atmospheric (earth, marine, space)	-	-	-	21	-	0
Economics	-	-	-	81	-	0
Law	-	-	-	28	-	0
Engineering	45	-	0	223	36	14
Physics	-	-	-	306	19	6
Agriculture	-	-	-	42	-	0
Other and not specified	110	40	27	1,845	820	31

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*May be of any race

SOURCE: U.S. Bureau of the Census, 1970 Census of Population, Occupational Characteristics

Table III-3.--Faculty tenure in institutions of higher education, by sex, and type of institution: United States, 1971-72

Type of institution	Number of institutions reporting	Faculty: Total full-time: Men	Faculty: Total full-time: Women	Faculty: Percent having tenure: Men	Faculty: Percent having tenure: Women
All institutions	1,151	158,645	43,524	58.9	43.5
Public	594	118,916	31,670	57.2	46.5
Nonpublic	557	39,729	11,854	64.0	35.8
Universities	241	94,248	19,173	59.4	44.8
Public	168	76,904	16,321	59.5	46.0
Nonpublic	73	17,344	2,852	59.4	37.7
4-year colleges	580	43,353	14,675	59.4	39.9
Public	135	21,628	6,093	50.4	47.0
Nonpublic	445	21,725	8,582	68.3	34.9
2-year institutions	330	21,044	9,676	55.5	46.5
Public	291	20,384	9,256	55.9	46.7
Nonpublic	39	660	420	45.2	42.4

SOURCE: The Status of Women Faculty and Administrators in Higher Education Institutions, 1971-72, Research Division, National Education Association, 1973. Study based on 1,151 reporting institutions.

Table III-4.--Average salary of instructional faculty in institutions of higher education, by sex, type of institution, and rank of teaching position: 50 states and District of Columbia, 1972-73 and 1974-75

Institution and position	Mean salary				Salary difference, men/women			
	Men		Women		Dollars		Percent	
	1973	1975	1973	1975	1973	1975	1973	1975
All institutions								
Total designated ranks	$14,360	$16,185	$11,901	$13,302	$2,459	$2,883	17.1	17.8
Professors	19,127	20,653	16,978	18,433	2,149	2,220	11.2	10.7
Associate professors	14,472	16,069	13,748	15,185	724	884	5.0	5.5
Assistant professors	12,232	13,276	11,450	12,642	782	634	6.4	4.8
Instructors and lecturers	11,005	13,483	10,031	11,769	974	1,714	8.9	12.7
Undesignated ranks	-	13,738	-	12,483	-	1,255	-	9.1
Universities								
Total designated ranks	15,869	17,434	12,410	13,230	3,459	4,204	21.8	24.1
Professors	20,967	22,674	18,199	20,145	2,768	2,529	13.2	11.2
Associate professors	15,072	16,746	14,359	15,820	713	926	4.7	5.5
Assistant professors	12,602	13,769	11,901	12,989	701	780	5.6	5.7
Instructors and lecturers	10,031	11,344	9,454	10,586	577	758	5.8	6.7
Undesignated ranks	-	13,463	-	10,457	-	3,006	-	22.3

Table III-4.--Average salary of instructional faculty in institutions of higher education, by sex, type of institution, and rank of teaching position: 50 states and District of Columbia, 1972-73 and 1974-75 --Continued

Institution and position	Mean Salary				Salary difference, men/women			
	Men		Women		Dollars		Percent	
	1973	1975	1973	1975	1973	1975	1973	1975
Other 4-Year								
Total designated ranks	$13,493	$14,878	$11,638	$12,781	$1,855	$2,097	13.7	14.1
Professors	17,203	19,041	16,622	17,753	581	1,288	3.4	6.8
Associate professors	13,953	15,372	13,291	14,529	662	843	4.7	5.5
Assistant professors	11,960	12,825	11,086	12,237	874	588	7.3	4.6
Instructors and lecturers	9,605	10,704	9,273	10,134	332	570	3.5	5.3
Undesignated ranks	-	11,170	-	10,445	-	725	-	6.5
2-Year								
Total designated ranks	12,890	15,518	11,868	13,956	1,022	1,562	7.9	10.1
Professors	16,544	18,649	15,122	17,417	1,422	1,232	8.6	6.6
Associates professors	14,458	16,614	14,327	16,435	132	179	0.9	1.1
Assistant professors	12,239	13,813	12,015	13,522	244	291	2.0	2.1
Instructors and lecturers	12,327	15,337	11,301	13,489	1,026	1,848	8.3	12.0
Undesignated ranks	-	14,142	-	12,841	-	1,301	-	9.2

NOTE.--Full-time faculty on 9-10 month contract.
SOURCE: National Center for Education Statistics, Preliminary data, February 1973 and January 1975.

Table III-5.--Adult education teachers, by sex, age, earnings, and hours worked: United States, 1970

Characteristic	Adult education teachers				Women (percent of all teachers)
	Men		Women		
	(number)	(percent)	(number)	(percent)	
	Age				
Total	27,535	100.0	24,100	100.0	40.8
Up to 24 years	2,567	9.3	3,811	15.8	59.8
25 - 34	8,764	31.8	7,052	29.8	44.6
35 - 44	7,135	25.9	4,620	19.2	39.3
45 - 54	5,407	19.7	4,890	20.3	47.5
55 - over	3,662	13.3	3,727	15.4	50.4
	Earnings				
Total	27,291	100.0	22,811	100.0	45.5
Under $5,000	3,745	13.7	11,940	52.4	76.1
$5,000-$6,999	2,689	9.9	4,205	18.4	61.0
$7,000-$9,999	8,901	32.6	4,593	20.1	34.0
$10,000 and above	11,956	43.8	2,073	9.1	14.8
	Hours worked				
Total	26,967	100.0	23,355	100.0	46.4
Less than 35 hours	4,148	15.4	9,997	42.8	70.7
35 - 40	14,067	52.2	9,422	50.3	40.1
More than 40	7,803	28.9	2,444	10.5	23.9
With a job but not at work	949	3.5	1,492	6.4	61.1

SOURCE: U.S. Bureau of the Census, 1970 Census of Population, Occupational Characteristics PC (2)-7A.

IV. MINORITY WOMEN

IV. MINORITY WOMEN

A. ALL MINORITY WOMEN

An analysis of the status of minority women in the educational professions is handicapped by lack of adequate data. Until recently, data on educational personnel were rarely collected by sex and race combined. Typically only sex or only race was used as a variable and neither was cross-tabulated with the other. Data over time are even harder to obtain. Classifications in the 1960 and 1970 Censuses, for example, are not comparable so that, except for Blacks, an analysis of trends on the status of minority women in the educational professions is not possible. Finally, since each minority population is uniquely distributed in certain parts of the country, these populations should be studied regionally as well as nationally; unfortunately, regional data on minorities are not readily available.

Despite the paucity of data, however, it is possible to make certain broad generalizations. Overall, the pattern of employment in education that prevails among women in general also prevails among minority women: the higher the level of the educational institution, the lower the proportion of women. Data from the Census indicate that in 1970, of all minority teachers, 97% were women at the prekindergarten/kindergarten level, 86% at the elementary school level, 49% at the secondary school level, and 39% at the college/university level. 1/ Compared to the percentage of all women teachers, the percentage of minority women teachers is slightly higher. However, this should not be interpreted as an advance by minority women. Rather, it reflects the poor participation rate of minority men in the educational professions. In the U.S., minorities comprise 17% of the total population and 22% of the public school enrollment. Yet minority men represent only 8% of the total men in the educational professions, and minority women represent only 12% of all professionals employed in education. 2/

As is true for White women, the participation of minority women in the educational professions varies by type of institution, rank, age, educational background, field of specialty and other variables. The most significant findings, however, are that salaries of minority women and White women in the teaching professions vary very little while the salary differentials between minority women and minority men are almost as great as those between White women and White men. This means that salary differentials on the basis of race/ethnicity are less significant than salary differentials on the basis of sex. 3/

In her analysis of the 1968-69 Carnegie Commission and American Council on Education (ACE) data on postsecondary faculty, Elizabeth Scott concluded that:

> "There are sizeable residual sex differences in salaries after controlling for many predictor variables, but no clear indication of significant residual salary difference on the basis of race. On the other hand, the difference associated with sex persists at every level for minority women, just as it does for all women. Not only were the mean residuals for White men substantial and positive indicators of difference, this was also true of Black men, Asian men, and men of "other" races. Conversely, the residuals for women, regardless of race, tended to be negative in every field and type of educational institution. 4/

In the following sections, the status of women in each of the major minority groups--Blacks, Asian Americans, Spanish and American Indians--in the educational professions are discussed.

B. BLACK WOMEN

Data derived from the 1970 Census indicate that of Black women with four or more years of college education, 61% are in the teaching profession compared to 30% of Black men--and compared to 52% of all women. As important as the teaching field is for all educated women, for Black women, it is even more important as their major area of employment. 5/

Elementary and Secondary School Teachers

More than 14% of the women respondents in NEA's survey of American public school teachers in 1970-1971 were minorities; nearly 10% were Black. 6/ According to Census, at every level, except kindergarten, more Black women are teachers, compared to Black men, than are White women compared to White men (see Table IV-1). Of particular interest is the high ratio of Black women to Black men who are secondary school teachers, 59% to 41%. This is supported by 1973 EEOC data, which show that 61% of the Black high school teachers in the larger school systems in the U.S. are women while only 46% of White high school teachers in such school systems are women. (See Table IV-2.) Although comparatively more Black women are employed at each educational level than most other racial/ethnic groups (see Table IV-1), their relative percentage at each level is not equivalent to their presence in the population (11%), except as kindergarten and prekindergarten teachers and vocational and educational counselors. 7/

Elementary and Secondary School Administrators

Carroll has noted that even in those areas where their numbers are large, Black women rarely receive the same promotional opportunities as Black men.

> "In public school systems few become principals and even fewer are promoted to upper administrative posts. This is not the case for Black men, who are often given positions in which they can be highly visible in an agency's or institution's 'crusade' for equal employment of affirmative action." 8/

The data on Black women in educational administration varies from one source to another. According to the 1970 Census, Blacks were only 7% of all elementary and secondary school administrators. Black women were 39% of all Black elementary and secondary school administrators, while White women were 26% of all White school administrators. (See Table IV-1.) For large U.S. school systems, the 1973 EEOC data show that Black women were 28% of all Black school administrators. (See Table IV-2.) Only 24.0% of the Black assistant principals were women, however, which suggests that fewer Black women are being prepared to move into top policy positions.

Vocational Education

At the administrative level in postsecondary Area Vocational-Technical Schools (AVTS) 48% of those "not elsewhere classified" were women, while 55% of Black administrative staff in such schools were women. However, Blacks (men and women combined) comprised only 7% of all the administrative staff in these schools. 9/ Eight and a half percent of the women vocational education secondary school teachers were Black. (See Table IV-3.) In 1972-73 about half of all vocational education teachers and all Black vocational education teachers were women. (See Table IV-3.) In 1973-74 at postsecondary Area Vocational-Technical Schools, only 14% of women in the "not elsewhere classified" category (mostly White) were teaching occupations that were less traditional for women. 10/ About one-fifth of Black women teachers were in the less traditional occupations, and only 38% of the Black women were teaching home economics at the postsecondary level compared to more than half of the women "not elsewhere classified."

The South and the Rest of the Country

Data from the 1970 Census show that two-thirds of all Black school teachers in the United States are teaching in the South. 11/ Because of this concentration, an examination of the relative status of Black women school teachers in the South compared to the rest of the United States was undertaken, utilizing data from the 1960 and 1970 Censuses.

In 1970, 20% of all elementary school teachers and 16% of all secondary school teachers in the South were Black. Elsewhere in the U.S. only 5% of elementary school teachers and only 3% of the secondary school teachers were Black. Compared to 1960 figures, there was a 5% drop in the proportion of Black elementary school teachers in the rest of the United States. (See Table IV-4.)

The proportion of secondary school teachers who were Black dropped by 2% in the South (from 18% in 1960 to 16% in 1970) and rose 1.5% elsewhere (from 1.6% to 3.1%). (See Table IV-4.) Of the Black secondary school teachers 60% in the South and 57% elsewhere in the country were women. In comparison, 58% of White secondary school teachers in the South and a low of 45% elsewhere in the country were women. (See Table IV-4.)

A comparison of the characteristics of the increase in the elementary school teaching forces between 1960 and 1970 in the South and elsewhere in the country, indicates that there was little difference between the two areas in the proportion of women and men teachers among the Blacks (87% women, 13% men). However, the increase in White men elementary school teachers was 11% higher in the rest of the country than their increase in the South (26% to 15%). (See Table IV-5.)

At the secondary level, characteristics by sex and race are markedly different. The new Black secondary school teachers hired between 1960 and 1970 were evenly distributed between those hired in the South (16,900) and in the rest of the country (16,400). Of the new Black secondary school teachers in the South 68% were women; 59% of the increase of Black secondary teachers in the rest of the country were women. Among White secondary school teachers, 47% of the new teachers outside the South were women compared to 62% of new White secondary school teachers in the South. (Table IV-5.)

Although 20% of the teachers in the South are Black, only 14% of the administrators are. That 14% represents 61% of all Black administrators in the country. Only 39% of the Black administrators in the South are women, compared to 47% of the White administrators. Of the Black and White administrators in the rest of the country 26% are women. (See Table 5 below.)

Table 5.-- School administrators in the South and in the U. S. except the South, by race, and sex: United States, 1970

Race and sex	School administrators			
	Percent distribution by race		Percent distribution by sex	
	South	U. S. except the South	South	U. S. except the South
Black	14	4	100	100
Male	-	-	61	74
Female	-	-	39	26
White	86	96	100	100
Male	-	-	53	74
Female	-	-	47	26
TOTAL	100	100	-	-

SOURCE: U. S. Bureau of the Census, 1970 Census of Population, Detailed Characteristics.

The data in Table 5 suggest that on the basis of numbers alone, Black women teachers in the South are better represented than in the rest of the country, and that more Black women teachers are employed at the secondary level (compared to Black men) than White women teachers are (compared to White men) both in the South and in the rest of the country. However, the low percentages of Blacks employed in the teaching professions outside of the South warrants considerable further study.

Postsecondary School Faculty

A 1968 survey of Black colleges found that 91% of the doctoral and professional degrees awarded by these institutions were awarded to Black men, and only 9% were awarded to Black women. 12/

Data on Black women who were awarded doctorates also vary from one source to another as well as over time. A Ford Foundation study in 1969 found that of the 1,096 Blacks who obtained doctorates (excluding medical degrees), 94.5% were awarded to Black men and only 5.5% were awarded to Black women. 13/ In 1973, the National Research Council found that of 958 doctorates awarded to Blacks (U.S. citizens only), 26% were awarded to Black women. (See Table 6 below.) The 198 Black women who received their doctorates in 1973, comprized only 3.7% of all women receiving such degrees--a proportion well below the total population of Black women in the U.S.

Table 6.--Doctorate recipients, by sex, and racial/ethnic origin: United States, 1973

Racial/ethnic origin	Doctorate recipients*			
	Total	Men	Women (Number)	Women (Percent)
Total	27,868	22,573	5,295	19
White	26,400	21,384	5,016	19
Black	760	562	198	26
Asian	320	259	61	19
Latin	228	187	41	18
American Indian	148	115	33	22
All other minorities	12	NA	NA	NA

* U.S. citizen only.

SOURCE: National Research Council, Doctorate Recipient Survey, 1973, Table adopted from Carnegie, Making Affirmative Action Work.

The Carnegie Commission study in 1969 found that among 14,300 Black faculty, nationally, 37% or 5,257 were women. Most of them are found in liberal arts colleges, many of which are Black colleges. 14/ The 1970 Census identified 7,731 Black women teaching in colleges and universities. 15/

ACE data comparing the percentages of Black women faculty between 1969 and 1973, reveal that Black women increased their percentage of the faculty positions in each type of college. The smallest change occurred in universities. According to the 1973 survey, the proportion of Black women faculty was a little less than seven times higher in four-year institutions than in universities, and almost twice as high as the Black women in two-year colleges. (See Table IV-6.) 16/ (The fact that most of the Black colleges are reported in the "other four-year institutions" category probably accounts for the greater proportion in these colleges.) Bayer in his analysis of the ACE 1973 data, suggests that affirmative action may have resulted in a redistribution of minorities and women in teaching positions among the types of institutions rather than in the recruitment of women formerly outside academe. Larger universities appear to have "raided" the smaller institutions, particularly Black colleges. 17/

Of all Black faculty, 47% were women--a percentage of women much higher than the 28% of all White faculty who are women. (See Table IV-1.)

Both majority and minority women hold more low rank positions in colleges and universities than men. The proportion of minority women in the lower ranks, however, is far greater than the proportion of White women. 18/ Similarly, Black women are disproportionately represented in such non-tenured "marginal" academic positions as research associates or professional librarians. Much the same picture holds for administrative posts; but these positions are far more likely to go to Black men than to Black women. 19/ Based upon the 1970 Census, 43% of all Black women in academe were reported in "other positions unspecified." The majority of the remainder were in health, English, business and commerce; together these four classifications account for 71% of all Black women in academe. (See Table III-2.)

In her 1970 study of Black women faculty at the University of Pittsburgh, Carroll found that only 8% of the professional staff were Black, and that a slightly larger proportion of the White staff members than of Black staff members were women (17% compared to 14%). The most significant contrast was the difference in rank distribution--White and Black men markedly exceeded White and Black women at the upper ranks. White men constituted 50% of the associate and full professor ranks, while Black men constituted 31%, White women 19%, and Black women only 3%. Carroll notes that sex is more of a handicap than race in the upper ranks of the teaching staff and the disproportion between the sexes is far greater for Blacks than for Whites. While White men are about two and a half times more likely than White women to be in tenured positions, Black men are ten times more likely than Black women to enjoy such status. 20/

Salary

Black women who are in the teaching profession seem to enjoy a comparatively higher financial status than women of other racial groups. Black women earn more than White women in all positions except as vocational counselors and college and university teachers. Their earnings, however, fall short of earnings of both White men and Black men. (See Table IV-7.) The 1970 Census figures on earnings of Black women in education support the Carnegie findings that sex is a better predictor of salary than is race. 21/ At the elementary school level, the difference in median earnings between Black men and Black women teachers was approximately $600. At the secondary school level, the median difference between the sexes is approximately $1,300. For school administrators, the difference by sex was $1,500 and at the college and university level, $5,200. These data indicate that the differences between the sexes widen as the level of instruction rises. (See Table IV-7.)

C. ASIAN AMERICAN WOMEN

In 1970 there were some 14,000 Asian American women in the educational professions. Over half were Japanese, a third were Chinese and the rest were mainly Filipinos. 22/ The characteristics of these three Asian American subgroups in relation to their participation in the educational professions differ markedly. Among White women and Japanese women, 16% are in professional occupations and of both groups, 43% are in education. Among Chinese women, 20% are in professional occupations but only 30% of those are in education. Finally, a high 30% of Filipino women are in professional occupations but a mere 11% are in education. 23/

Compared to women in other groups, proportionally more Asian women are college and university teachers. This is particularly the case among Chinese women; while 7% of White women in the education professions are college and university teachers, 26% of the Chinese women were teaching at that level. (See Table IV-8.) This results from two factors, a high cultural emphasis placed upon scholarly pursuits and learning, and selectivity by U.S. immigration laws which favor the immigration of those Asians with extensive education and professional backgrounds. 24/

With the rapid immigration of Asian populations to the U.S. (particularly Filipinos, Koreans, and Vietnamese), bilingual Asian teachers are a national need. Most of this bilingual staff is required at the elementary school level where the teachers are predominantly women. Information about the availability of certified bilingual Asian women to teach at the elementary and secondary level is not available, however.

Except for their higher participation in college and university teaching, the distribution of Asian American women in the educational professions closely resembles that of White women. In all cases the majority are teaching at the elementary and preschool levels. Few are teaching at the secondary school level and the number who are school administrators is miniscule. (See Table IV-8.)

Data collected by the Equal Employment Opportunity Commisssion confirm the low participation by Asians in school administration. Of the larger school districts in the U.S. 25/ in 1973, Asian women comprised only 0.04% of all women school principals and 0.06% of all women assistant school principals. (See Table IV-2.)

In vocational education, Asian women were 0.9% of all women teachers at the secondary level in 1972-73 and 1.6% of all women vocational education teachers at the postsecondary level in 1973-74. 26/ As in the total population, Asian women teach predominantly in those subject areas stereotyped as women's occupations--home economics, business and office (mostly clerical), and health. (See Table IV-3.)

In both the White and the Asian populations (U.S. citizens only), women received only 19% of all doctorates awarded to women in 1973. (See Table 6 above.) However, Asian men and women received only 1.1% of doctorates awarded to their sex. These proportions are below replacement level; currently Asian men are 1.7% of all men college and university teachers and Asian women are 1.5% of all women college and university teachers. 27/

The failure to encourage young high school women and minority members to study advanced mathematics has been blamed for preventing access to high prestige, high paying, traditionally male-dominated fields. 28/ However, Sells has pointed out that at the University of California, both male and female Asian graduate students have a higher concentration in mathematics-based fields than their counterparts in the rest of the population. 29/ National data on college and university teachers also show a higher concentration in this subject area by Asians. However, there is a marked sex variance within each racial group as well. Among those who were college and university teachers in 1970, 40% of the White men, 32% of the Black men, 15% of the White women and only 12% of the Black women were teaching in mathematics-based subject areas. Of the Asian groups, 60% of the Japanese men, 68% of the Chinese men, 62% of the Filipino men; and 25% of Japanese women, 33% of Chinese women and 33% of Filipino women were teaching these subjects. 30/

Compared to the total population, Japanese and Filipino women teaching at the college and university levels were limited to only a few fields. More than half of the Japanese women postsecondary teachers were found in only four subject areas: drama and music; foreign languages; health; and biology. The 256 Filipino college and university teachers were also in four fields: art, drama and music; psychology; biology; and economics. In contrast, Chinese women teachers were more evenly spread out over diverse subject areas but, according to the 1970 Census, no Asian women at the college and unversity levels were teaching in the field of education. (See Table III-2.)

Data from the Bayer-American Council on Education survey of college and university faculty show that overall the proportion of women faculty who are Asian increased between 1968-69 and 1972-73 from 1.1% to 3.3%. (See Table IV-6.) 31/

One would expect the status of Asian American women in Hawaii and the west coast to differ from the status of Asian American women in the midwest and east coast. Data by regions, however, are not available. Similarly, the status of U.S. born Asian Americans and recently immigrated Asians can be expected to differ; however, little educational data by nativity are available.

D. SPANISH AND AMERICAN INDIAN WOMEN

Spanish and Indian women are similar since they are both underrepresented in employment as educators, as a percentage of all women teachers and as a percentage of all Spanish and Indian teachers. Spanish women are 4.6% of the population, Indian women 0.4%, but Spanish are 1.5% of all women educators and Indians 0.1%. 32/

Sixteen percent of the Whites, 8% of the Spanish, and 10% of the Indian women in the labor force are professionals. Of these professionals, 47% of the Whites and 39% of the Spanish and Indians are educators. Thus, starting with a smaller percentage of professionals, the percentage of Spanish and Indian women educators is much lower than among other women. 33/

Only 4% of Spanish and Indian women have 4 or more years of college compared to 14% for White women, 34/ which suggests that the small number of Spanish and Indian women in education is a product of the small availability pool. Of all Spanish women with 4 or more years of college education, 42% are in education compared to 52% of all women. Data are not available for Indian women. The low numbers are perpetuated by the continuing low level of educational attainment in these populations. While there are 24 times as many White women in the labor force as there are Spanish women, there are 61 times as many White women in education as there are Spanish women. 35/

Indian and Spanish women are particularly underrepresented in the educational field when one considers that not only are the total numbers of Spanish and Indian educators very small, but the proportion of those few who are women is lower than the proportion of women educators among all other groups. In the total population, women are 98% of prekindergarten teachers (White women 98%; Spanish women 97%; Indian women 80%); elementary school teachers (Whites 84%; Spanish 76%; Indians 75%); secondary school teachers (Whites 48%; Spanish 47%; Indians 35%); vocational counselors (Whites 44%; Spanish 34%; Indians 30%). (See Table IV-1.) 36/

According to the 1970 census, there were 568 Spanish women elementary and secondary school administrators, comprising 1.9% of all women elementary and secondary school administrators. There were no Spanish women administrators at the college level in 1970. 37/

Compared to their low proportions in teaching, comparatively more Indian women are found in administrative positions. While 27% of all elementary and secondary school administrators are women, 60% of Indian administrators are women representing 121 women. This is one of the highest percentages for women of any ethnic/racial minority group. Nineteen Indian women (19% of Indian administrators) are college administrators. (Table IV-1.)

Although the proportion of men and women teaching vocational education in secondary schools is nearly equal, only about a third (35%) of the Spanish and 10% of the Indian vocational education teachers in secondary schools are women. (See Table IV-3.) In addition to their low participation rate as vocational education teachers, those few Indian women who were teaching in such schools were concentrated in a very limited range of subject areas stereotyped as women's fields. Of the 97 Spanish women and 39 Indian women identified as teachers in postsecondary Area Vocational-Technical Schools in 1973-74, 103 (76%) of the Spanish women and of the Indian women were in home economics and business and office occupations, the traditional women's occupations. 38/

According to data collected by the National Research Council, 22% of all the doctorates awarded to Indians and 19% of those awarded to Spanish were awarded to women. (Spanish women received a higher proportion of doctorates than any other group except the Blacks.) The percentages, however, represented very small groups: only 33 Indian women and 41 Spanish women. Spanish women represented 0.8% of all doctorates awarded and Indian women represented 0.6%. (See Table 6 above.)

Spanish and Indian women comprised a larger proportion of all Spanish and Indian college and university teachers than did White women, 30% and 38% compared to 28%. (Table IV-1.) Nonetheless, there are only 2,722 Spanish women and 235 Indian women college and university teachers. Thirty-eight percent of the Spanish teachers taught a foreign language, presumably Spanish. Another 30% taught miscellaneous or unspecified courses. These two teaching classifications accounted for more than two-thirds of all Spanish women faculty. (See Table III-2.)

Indian women college and university teachers were found in only 9 of the 23 specific disciplines separately listed by the Census. Forty-nine percent of these women were concentrated in only three classifications: mathematics, biology, and "unspecified." There were no Indian women teaching in education, history, art, drama and music; or sociology. (See Table III-2.)

Data from the 1972-73 American Council on Education survey of college and university faculty indicate that 0.2% of the women faculty surveyed were Mexican American and 0.3% were Puerto Rican. According to the survey, the proportion of women faculty who were Puerto Rican was relatively constant at 0.3%-0.4% in two-year colleges, four-year colleges, and universities. The proportion of the faculty that were Mexican American women ranged from 0.4% in two-year colleges to 0.0% in universities. (See Table IV-6.) 39/ Since Mexican American women are 59% of all Spanish women (Puerto Rican women are 15%), the problem of Spanish women's participation in postsecondary education is particularly severe for Mexican American women.

The 1969 median earnings of Spanish women in the educational professions tended to be lower than those of White men and women, Black men and women, and Spanish men. Though the median earnings of Spanish men were lower than those of White men, the median earnings of Spanish women were only 43% to 77% as high as those of Spanish men in the various professional education categories. (See Table IV-7.) The actual differences in the median earnings of Spanish men and Spanish women were particularly high among elementary and secondary school administrators (a difference of $5,667), college and university teachers (a difference of $4,846), and adult education teachers ($4,553). Median earnings of Spanish women were also lower than those of White and Black women. The differences, while marked, are not as great as the differences between the median earnings of Spanish men and Spanish women. (See Table IV-7.) Data on the earnings of Indian women are not available.

FOOTNOTES

1. 1970 U.S. Census of Population, 1970, Occupational Characteristics.
2. Ibid, and 1970 Census, General Social and Economic Characteristics.
3. Carnegie, Making Affirmative Action Work, 1975.
4. Carnegie, Opportunities for Women, 1973.
5. U.S. Bureau of the Census, Occupational Characteristics.
6. National Education Association (NEA), Research Report 1972-R3, Status of the American Public School Teacher, 1972.
7. 1970 Census of Population, Occupational Characteristics.
8. Carroll in Rossi and Calderwood, Academic Women on the Move, 1973.
9. U.S. Department of Health, Education, and Welfare, Office of Civil Rights, 1973-74 Area Vocational-Technical School Survey.
10. Ibid. These subjects were trade/industry and technical occupations.

11. The South is defined as those States in the Region as defined by the U.S. Census: Delaware, Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas.

12. Carroll, op. cit., citing study by Jackson, "Black Women and Higher Education," mimeographed, 1972.

13. Bryant, James W., A Survey of Black America Doctorates, 1969. Bryant's study shows that three-quarters of Blacks receiving doctorates in 1969 had received undergraduate training in Black colleges. Some 85% of the Ph.D. holders went on to teach in colleges and universities; and four-fifths of these are teaching in Black colleges.

14. Carnegie, Opportunities for Women, op. cit.

15. U.S. Census, 1970, op. cit.

16. Bayer, American Council of Education (ACE), College and University Faculty, 1970; Bayer, (ACE), Teaching Faculty in Academe 1972-73, 1973.

17. Bayer, ACE, Teaching Faculty, op. cit.

18. Carroll, op. cit.

19. Ibid.

20. Ibid. Similar studies on a national level are clearly needed.

21. Scott in Carnegie, op. cit.; 1970 Census of Population, Occupational Characteristics, op. cit.

22. U.S. Bureau of the Census, 1970 Census of Population. As a group Asian Americans include Japanese, Chinese, Filipino, Koreans, Asian Indians, Southeast Asians and Pacific Islanders. The Census Bureau, however, tabulates detailed occupational information on only the first three groups, about 50% are Japanese, 30% are Chinese, and 20% are Filipino. Filipino immigration to the U.S. at the present time far exceeds that of Japanese or Chinese, however, and many of the Filipino immigrants are professionally trained women.

23. U.S. Bureau of the Census, 1970 Census of the Population, Occupational Characteristics.

24. Sung, Betty L., Chinese American Manpower and Employment, 1975.

25. Equal Employment Opportunity Commission, Elementary-Secondary School Staff Information, EEO-5, 1973. Since the larger school districts are found mainly in the metropolitan areas, where Asians are predominately to be found, this is likely to be a better cross-section of Asian population than of other racial/ethnic groups.

26. U.S. DHEW, Office of Civil Rights, 1973-74 survey, and U.S. DHEW, Office of Education survey of 1972-73.

27. U.S. Bureau of the Census, op. cit.

28. Sells, Constraints (no date)

29. Ibid.

30. U.S. Bureau of the Census, op. cit.

31. Bayer, ACE, 1970 and 1973 reports, op. cit.

32. U.S. Bureau of the Census, 1970, General Social and Economic Characteristics and Occupational Characteristics: Occupational Characteristics.

33. Ibid.

34. U.S. DHEW, A Study of Selected Socio-Economic Characteristics, Vols. I and III.

35. U.S. Bureau of the Census, 1970 Census of Population, General Social and Economic Characteristics and Occupational Characteristics.

36. U.S. Bureau of the Census, 1970 Census, Occupational Characteristics.

37. U.S. Census, 1970, op. cit.

38. U.S. DHEW, 1973-74 AVTS survey, op. cit.

39. Bayer, ACE, 1970 and 1973 reports, op. cit.

Table IV-1.--Women in selected educational professions, by racial/ethnic group: United States, 1970

Staff position	Women in staff positions (percent)							
	U.S. Total	White	Black	Spanish*	American Indian	Japanese	Chinese	Filipino
Prekindergarten and kindergarten teachers	98	98	97	97	80	100	100	100
Elementary teachers	84	84	86	76	75	88	91	95
Secondary teachers	49	48	59	47	35	54	46	55
Vocational and educational counselors	45	44	55	34	30	36	85	66
Elementary and secondary school administrators	27	26	39	28	60	40	17	100
College and university teachers	29	28	47	30	38	30	21	69
College and university administrators	23	23	29	0	19	49	21	0
Adult education teachers	47	45	63	52	75	58	56	100

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*May be of any race.

SOURCE: U.S. Bureau of the Census, 1970 Census of Population, Occupational Characteristics.

Table IV-2.--Women elementary and secondary school staff, by racial/ethnic origin, and staff position: United States, 1973

Staff position	Total number	Percent in each position who are women						
		Total	White	Black	Spanish speaking	Asian	Indian	Other
Officials/ administrators and managers	29,308	16.8	14.6	41.3	18.2	28.6	50.0	39.3
Principals	50,212	14.0	12.9	25.4	11.9	16.7	8.2	23.8
Assistant principals	27,156	17.4	16.2	24.0	12.3	12.5	15.6	25.0
Total administrators	106,676	15.6	14.2	28.0	13.8	21.7	16.0	
Secondary school teachers	654,024	47.6	46.3	60.7	46.5	53.0	41.0	50.5
Elementary school teachers	707,613	85.5	85.0	89.3	80.4	88.6	79.6	75.9
Total		63.6	62.2	74.5	60.8	72.2	57.3	59.1

	Women	Percent distribution among women						
		Total	White	Black	Spanish speaking	Asian	Indian	Other
Officials/ administrators and managers	4,919	100.0	79.2	19.0	1.3	0.1	0.2	0.2
Principals	7,045	100.0	82.5	16.5	0.8	0.0	0.1	0.1
Assistant principals	4.730	100.0	75.9	22.8	1.0	0.1	0.1	0.1
Secondary school teachers	311,492	100.0	86.4	12.0	1.1	0.2	0.1	0.0
Elementary school teachers	604,895	100.0	84.7	13.8	1.1	0.2	0.1	0.0

NOTE: Data are on 4,651 larger school districts in the U.S. employing 100 or more people. "Other" classification represent 0.1% of the administrators and 0.0% of the teachers.

SOURCE: Equal Employment Opportunity Commission, Elementary-Secondary School Staff Information (EEO-5), 1973.

Table IV-3.--Vocational education teachers in secondary school systems, by racial/ethnic groups and sex: United States, 1972-73

Racial/ethnic group	Vocational education teachers				
	Total	Percent distribution by sex	Percent distribution by racial/ethnic group		
			Total	Men	Women
Total	109,394			100.0	100.0
Men	55,682	50.9			
Women	53,712	49.1			
Black	9,168		8.4	8.2	8.5
Men	4,548	50.0			
Women	4,584	50.0			
Spanish	1,168		1.1	1.4	0.8
Men	760	65.1			
Women	408	34.9			
Asian	1,064		1.0	1.1	0.9
Men	603	56.7			
Women	461	43.3			
American Indian	72		0.1	0.1	*
Men	65	90.3			
Women	7	9.7			
All others	97,922		89.5	89.2	87.7
Men	49,670	50.7			
Women	48,252	49.3			

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* Less than 0.05 percent.

SOURCE: Department of Health, Education, and Welfare, Office of Education, Vocational Education: Characteristics of Students and Staff: 1973.

Table IV-4.--Elementary and secondary school teachers in the South and the U.S. except the South, by race, and sex: 1960-1970

Characteristic	Teachers					
	Total		Percent distribution by race		Percent distribution by sex	
	South	U.S. except the South	South	U.S. except the South	South	U.S. except the South
			1960			
Elementary school	316,374	691,721	100.0	100.0		
Black	69,045	22,410	25.0	3.2	100.0	100.0
Men	9,769	4,324			14.1	19.3
Women	59,276	18,086			85.9	80.7
White	247,329	669,311	75.0	96.8	100.0	100.0
Men	29,295	98,869			11.8	14.8
Women	218,034	570,415			88.2	85.2
Secondary school	151,852	370,434	100.0	100.0		
Black	27,959	5,964	18.4	1.6	100.0	100.0
Men	12,465	2,886			44.6	48.4
Women	15,494	3,078			55.4	51.6
White	123,893	364,470	81.6	98.4	100.0	100.0
Men	57,361	203,205			46.3	55.8
Women	66,532	161,265			53.7	44.2
			1970			
Elementary school	428,432	985,483	100.0	100.0		
Black	85,692	47,344	20.0	4.8	100.0	100.0
Men	11,878	7,614			13.9	16.1
Women	73,814	39,730			86.1	83.9
White	342,740	938,139	80.0	95.2	100.0	100.0
Men	43,826	167,710			12.8	17.9
Women	298,914	770,429			87.2	82.1
Secondary school	276,696	724,813	100.0	100.0		
Black	44,857	22,323	16.2	3.1	100.0	100.0
Men	17,879	9,612			39.9	43.1
Women	26,978	12,711			60.1	56.9
White	231,839	702,490	83.8	96.9	100.0	100.0
Men	98,392	384,137			42.4	54.7
Women	133,447	318,353			57.6	45.3

SOURCE: U.S. Bureau of the Census, 1960 and 1970 Census of Population.

Table IV-5.--Characteristics of the increase of elementary and secondary school teachers in the South and the U. S. except the South between 1960 and 1970, by race, and by sex

Characteristic	Increase of teachers between 1960 and 1970					
	Total		Percent distribution by race		Percent distribution by sex	
	South	U. S. except the South	South	U. S. except the South	South	U. S. except the South
Elementary school	112,058	293,762	100.0	100.0		
Blacks	16,647	24,934	14.9	8.5	100.0	100.0
Men	2,109	3,290			12.7	13.2
Women	14,538	21,644			87.3	86.8
Whites	95,411	268,828	85.1	91.5	100.0	100.0
Men	14,531	68,814			15.2	25.6
Women	80,880	200,014			84.8	74.4
Secondary school	124,844	354,379	100.0	100.0		
Blacks	16,898	16,359	13.5	4.6	100.0	100.0
Men	5,414	6,726			32.0	41.4
Women	11,484	9,633			68.0	58.9
Whites	107,946	338,020	86.5	95.4	100.0	100.0
Men	41,031	180,932			38.0	53.5
Women	66,915	157,088			62.0	46.5

SOURCE: Computed from Table IV-4.

Table IV-6.--Racial/ethnic composition of college and university faculty: United States, 1968-69 and 1972-73

Characteristic	Percent distribution of faculty			
	All institutions		Two-year college	
	Men	Women	Men	Women
1968-1969				
White	96.6	94.7	99.1	96.7
Black	1.8	3.9	0.5	1.4
Asian	1.3	1.1	0.2	1.4
Other	0.3	0.3	0.2	0.5
1972-1973				
White/Caucasian	95.1	93.6	97.1	93.3
Black/Negro/Afro-American	2.4	4.8	1.3	4.2
American Indian	0.8	0.9	0.9	0.8
Asian	1.4	1.7	0.6	3.3
Mexican-American/Chicano	0.3	0.2	0.7	0.4
Puerto Rican-American	0.3	0.3	0.1	0.3
Other	1.5	1.1	1.3	1.6
Percentage change 1968-69 to 1972-73:				
White	(-1.5)	(-1.1)	(-2.0)	(-3.4)
Black	+0.6	+0.9	+0.8	+2.8
Asian	+0.1	+0.6	+0.4	+1.9

Characteristic	Four-year college		Universities	
	Men	Women	Men	Women
1968-1969				
White	94.2	91.3	97.7	97.7
Black	4.2	7.4	0.4	1.0
Asian	1.2	0.9	1.6	1.0
Other	0.4	0.3	0.3	0.2
1972-1973	92.1	91.3	97.0	96.6
White/Caucasian	4.6	8.1	0.9	1.2
Black/Negro/Afro-American	0.8	1.1	0.7	0.6
American Indian	1.5	0.8	1.6	1.8
Asian	0.2	0.1	0.3	0.0
Mexican-American/Chicano	0.7	0.4	0.1	0.3
Puerto Rican-American	2.1	1.2	1.1	0.6
Other				
Percentage change 1968-69 to 1972-73:				
White	(-2.1)	-	(-0.7)	+1.1
Black	+0.4	+0.7	+0.5	+0.2
Asian	+0.3	-0.1	-	+0.8

SOURCE: 1968-69 data: American Council on Education, Research Report Vol. 5, No. 5, College and University Faculty: Statistical Description, June 1970; 1972-73 data: Teaching Faculty in Academe: 1972-73, Research Report Vol. 8, No. 2, American Council on Education, 1973. (Respondents marked more than one category in some cases.)

Table IV-7.--Earnings of selected educational personnel, by racial/ethnic origin, level of educational institution, and sex: United States, 1970

Institution and position	Median earnings							
	White women		Black women			Spanish origin women*		
		Compared to men (percent)		Compared to men (percent)	Compared to White women (percent)		Compared to men (percent)	Compared to White women (percent)
Elementary and secondary level								
Prekindergarten and kindergarten								
Men	$ 5,543		$ 4,131			--		
Women	2,980	54	3,507	85	118	$ 3,216	--	108
Elementary teachers								
Men	8,186		7,433			7,360		
Women	6,560	80	6,828	92	104	5,438	74	83
Secondary teachers								
Men	9,089		8,100			8,178		
Women	6,716	74	6,817	84	102	6,325	77	94
Vocational and educational counselors								
Men	10,396		8,430			6,839		
Women	8,155	78	7,823	93	96	5,250	77	64
Elementary and secondary school administrators								
Men	13,314		11,168			9,955		
Women	8,817	66	9,671	87	110	4,288	43	49
Adult education teachers								
Men	9,558		7,762			8,059		
Women	4,583	49	6,315	82	139	3,506	44	75
Postsecondary level								
College and university teachers								
Men	11,308		8,867			9,650		
Women	6,254	55	3,637	41	58	4,804	50	77
College and university administrators								
Men	14,514		11,770			--		
Women	7,569	52	7,651	65	101	--	--	

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*May be of any race.

SOURCE: U.S. Bureau of the Census, 1970 Census of Population, Occupational Characteristics.

Table IV-8.--Distribution of persons in the educational professions, by racial/ethnic origin, and sex: United States, 1970

Race and sex	Educational professions					
	Total (percent)	Elementary and preschool teachers (percent)	Secondary school teachers (percent)	College and university teachers (percent)	School Adminis-trators (percent)	Total in educational professions
White						
Men	100	18	41	29	12	1,177,855
Women	100	65	25	7	3	1,828,282
Black						
Men	100	30	42	13	15	64,757
Women	100	72	21	4	3	183,859
American Indian						
Men	100	31	41	20	8	1,928
Women	100	69	18	9	5	2,689
Japanese						
Men	100	17	31	45	7	3,886
Women	100	69	18	10	3	7,684
Chinese						
Men	100	4	16	78	3	5,249
Women	100	56	17	26	1	4,122
Filipino						
Men	100	12	54	21	13	539
Women	100	66	18	13	3	1,915
Spanish 1/						
Men	100	25	39	29	8	21,115
Women	100	65	24	9	2	29,920

1/ May be of any race

SOURCE: U.S. Bureau of the Census, 1970 Census of Population, Occupational Characteristics.

V. POLICYMAKERS

V. POLICYMAKERS

The presence of women on policymaking bodies such as federal or state agencies, advisory committees, and local boards of education, can be critical since decisions by these bodies affect educational systems and institutions in very significant ways. Data on policymakers in education are sparse, indicating the need for more extensive research at those levels where there is little data. However, an examination of available data reveals that women are underrepresented on these bodies.

A. FEDERAL LEVEL

1. Women in Federal Educational Agencies

Women in policymaking positions in federal educational agencies can influence educational institutions throughout the nation. The Office of Education (OE), the National Institute for Education (NIE), the Office of Civil Rights (OCR), and all sections of the Department of Health, Education, and Welfare (HEW) should serve, therefore, as models for the educational institutions by employing women in numbers commensurate with their presence and availability in the labor pool. An examination of the professional employees (GS-9 to GS-18) by sex, particularly at the critical decision making levels (GS-13 to GS-15) and at administrative and policymaking levels (GS-16 to GS-18), reflects the weakness of these agencies in serving as models to educational facilities. (See Table V-1.)

Comparing unpublished 1974 Civil Service Commission data with the composition of the work force in the U. S. by race and sex for all professional and technical employees and for all educators, shows a marked difference between the percent employed nationally and the percent employed by these agencies. According to 1973 data from the Bureau of Labor Statistics, women comprise 61% of all those employed as educators, 1/ yet no educational agency of HEW employs women in numbers that reflect their availability except at GS levels 9 to 12, below the level of policymaking or administration.

In October 1972, in the Office of Education only 18% of those employed at a GS-13 level or above were women; this percentage represented a net loss of six women in GS-13 positions and above from July 1, 1971. 2/ The most recent data available (February 1975) show that women represent 20% of the GS-13 to GS-15 positions and 12% of the GS-16 to GS-18 positions. 3/

Because of the Civil Service system, it is a slow and difficult process for the federal government to correct past discriminatory practices. However, the National Institute for Education was created within the last five years, and although some of its staff was transferred from OE, its new hires did not correct past practices. Thirty percent of the policymakers at NIE are women; while this is the largest percentage of women at the policymaking level of the educational agencies, women are still well below their availability. 4/

The Office of Civil Rights (OCR) has the responsibility to enforce federal equal employment requirements in education under Executive Order 11246, as amended, and, therefore, perhaps more than any other agency should represent nondiscriminatory employment practices. Additionally, that office is now responsible for Title IX of the Education Amendments of 1972, and is required to monitor discriminatory practices against women students and faculty in all educational institutions. OCR's availability pool for hiring is the professional work force of the labor market of which women represent 40% of those employed. OCR was created 10 years ago with an entirely new staff. OCR's major area of concern has been racial discrimination. Recently, however, there has been an increase of sex discrimination charges brought by women against many colleges and universities. At OCR, more than 79% of the employees, GS-9 to GS-12, are women, and only 23% of its staff, GS-13 to GS-15, are women. No data were available for GS-16 to GS-18. 5/

Women on Advisory Committees at the Office of Education have not fared much better; as of October 20, 1972, the most recent data available, only 28% of the appointments were women. Why this inequity exists is not clear since 105 positions on the Advisory Committees had not been filled. 6/

Women are also underrepresented on scientific advisory panels of major federally-supported granting agencies such as the National Science Foundation, the National Research Council of the National Academy of Sciences, and the National Institutes of Health. 7/ According to Apter's study, women comprise only 88 of 7,139 members or 1.2% of panels even though 20,000 women are listed in American Men and Women of Science. 8/ It appears, therefore, that the selection system has led to the exclusion of women from prestigious panels and from benefits of panel membership.

2. Grantees and Contractors

Little information is available on women directors or staff of recipients of grants and contracts from the federal government. The Task Force established by the Commissioner of Education (then

Sidney P. Marland, Jr.) in May 1972 reported that the Office of Education (OE) does not ask for information regarding the sex (or race) of the staffs of the programs they fund nor do they make any informal effort to determine if there are women on the staffs. 9/ Fishel and Pottker report that in the 11 federally-funded educational laboratories, all the top personnel and most of their assistants are men. 10/ One of these laboratories, the Center for Urban Education (New York), employs a professional staff over half of whom are women, yet fewer than one-fifth of the managerial positions are held by women. 11/

B. STATE AND LOCAL LEVELS

1. Elementary and Secondary Education

There is no information by sex on the composition of staff in state departments of education, nor on members of local boards of education. There are indications, however, that at the state and local levels, the situation for women is even worse than at the federal level. For example:

- Of the 50 states, only four (Arizona, Montana, Nebraska, and Wisconsin) employ a woman as the chief state school officer. 12/
- There are Vocational Education Advisory Councils for all 50 states plus six territories; the average membership of the Councils is 21. Although at least 50% of all students registered in vocational education are women, in 1975, 25 of the states have fewer than 3 women members on their State Advisory Councils; 21 have 3 or 4 members; 10 have 5 or more members. In FY75, there were six states with no women representatives at all. Furthermore, only 6, (12%) of the chairpersons of the State Advisory Councils and 2 of the executive directors are women. 13/
- As of 1974, there were no state directors of vocational education. Additionally, only four of the 22 members of the National Advisory Council on Vocational Education were women. 14/
- The percentage of women school board members has remained between 10% and 15% since 1920. 15/ Over half of the school boards in the United States have no women members; 30% have only one. The situation in which there is one woman member does not necessarily represent a significant advance, but is

often the result of rules which require that there be at least one woman on the board. 16/

- Men also dominate significant committees within the schools themselves. For example, in Lexington, Massachusetts, the curriculum committees are formed by the school department heads plus the principals. Since both groups are made up predominantly of men, the committees are also. 17/ In Kalamazoo, Michigan, the committee charged with hiring elementary school principals typically consists of five people, only one of whom (an elementary school teacher) is likely to be a woman. 18/

2. Postsecondary Education

Inasmuch as there are more men on the tenured faculty of the university and college faculties, the task forces, committees, and other policy-influencing groups that make up an important part of the governance of the institutions of higher education are most likely to be constituted primarily by men. For example:

- In 65% of the colleges and universities in the Oltman study, women were less likely to be found on committees for guidance, scholarships, judicial problems, long range planning, institutional research, admissions, and educational or advisory policy. 19/
- At the University of Illinois (Urbana) in 1970, women held 50% of the committee positions in only one of nine selected university departments. Furthermore, the percentage of committee positions is somewhat inflated because women students as well as faculty served on the committees. 20/
- The City University of New York (CUNY) study investigated the presence of women on committees in some detail. In the academic year 1971-72, women made up 12.5% of the membership of five important committees (Academic Freedom, Faculty Interests, Graduate Affairs, School of General Studies, and Library); on only one of the committees (Library) was a woman the chairperson. Women were never more than a quarter of the membership elected to the departmental Committees on Personnel and Budget which are the groups making the major decisions on appointments and promotions. On Committees on Personnel and Budget in four of the colleges, women have averaged less than 15% over the decade from 1962-1972. In the fall of 1971, 19% of the Personnel and Budget Committees in the CUNY junior colleges were women. 21/

- At the University of California at Berkeley, the percentage of women appointed to selected senate committees in a 50 year period (from the 1920's through the 1960's) ranged from zero to 1%. 22/

- Women trustees are also rare. In Oltman's 1970 survey of 454 institutions, 21% had no women trustees. Thirty-two percent of the educational institutions with over 10,000 students enrolled, 26% of publicly supported institutions, and 24% of coeducational schools had no women on the governing boards. Twenty-five percent of the institutions had only one woman member on the board. 23/

- In a comparison of two studies done a year apart (1968 and 1969), Hartnett found in his first report that 13% of the trustees in his sample were women. They ranged from a low of 8% at private universities to a high of 20% of Catholic institutions. Of the 653 women trustees identified in the study, 45% served on boards of women's colleges, 16% on boards of universities, and 8% on boards of coeducational or men's colleges and universities. 24/

- The second study indicated that many institutions were adding women to their governing boards. For example, 17% of the coeducational or all-male institutions had added one or more women to their boards. The institutions most inclined to add women to their boards were those where the original membership of women had been low. Conversely, those institutions that added the smallest number of women trustees, about 10% of the sample, were those that already had women on their boards. 25/

- Although women trustees appear to be increasing, the relationship between the number of women students and alumnae and the number of women trustees is disproportionate. The ratio of women trustees to students and alumnae ranges from 1 out of 9.5 in coeducational schools to 1 out of 2.5 in women's colleges, with an overall average of one out of eight. 26/

Because women have had so little voice in educational policymaking and because their problems have been ignored, new committees, composed largely of women and working on behalf of women, have recently come into being. Such groups have been organized on campuses, in academic disciplines, as well as in local communities. 27/ The Carnegie Commission expects that these "more broadly representative committees," 28/ which have been developed within the framework of affirmative action programs, will have greater appeal to most women with complaints of discriminatory treatment than the more traditional committees that are dominated by men.

FOOTNOTES

1. U. S. Department of Labor, Bureau of Labor Statistics, Special Labor Force Report No. 151, 1973. This is in distinction to the 52% of all women with four or more years of college education who are educators, as shown in the 1970 Census of Population.

2. Commissioner's Task Force on the Impact of the Office of Education Programs on Women Report, November 1972.

3. U. S. Civil Service Commission, Bureau of Manpower, Central Personnel Data File Report, February 28, 1975.

4. Ibid.

5. Office of Civil Rights, unpublished printout, 1974.

6. Commissioner's Task Force, op. cit.

7. Apter, Julia, "Increasing the Professional Visibility of Women in Academe: A Case Study," in Furniss and Graham, Women in Higher Education, 1974.

8. Ibid.

9. Commissioner's Task Force, op. cit.

10. Fishel and Pottker, "Women Teachers and Teacher Power," The Clearinghouse, March 1973.

11. Ibid.

12. List of Chief State School Officers, DHEW, Office of Education, July 1975.

13. State Advisory Councils for Vocational Education (unpublished reports) 1974, 1975.

14. Women in Vocational Education, Project Baseline, Supplemental Report, 1974.

15. Cronin, Phi Delta Kappan, October 1973.

16. "School Boards and Sex Bias in American Education," Contemporary Education, October 1973.

17. Lexington, Mass., Citizens Advisory Committee, 1975.

18. Kalamazoo, Mich., Committee to Study Sex Discrimination, 1973.

19. Oltman, AAUW Journal, November 1970.

20. Loeb and Ferber in Rossi and Calderwood, Academic Women on the Move, 1973.

21. City University of New York, Chancellor's Advisory Committee, 1972.

22. Robinson in Rossi and Calderwood, Academic Women on the Move.

23. Oltman, op. cit.

24. Hartnett, The New College Trustee, 1970.

25. Ibid.

26. Oltman, op. cit.

27. For example, Alexandria, Va.; Cook County, Ill.; Fairfax, Va.; Kalamazoo, Mich.; Lexington, Mass.; Montgomery County, Md.; Mt. Diablo, Calif.; Waco, Tex.

28. Carnegie, Making Affirmative Action Work, 1975.

Table V-1.--Professional staff of selected federal offices of education, by sex, and racial/ethnic origin: United States, 1974

Office of Assistant Secretary of Education

Racial/ethnic origin	GS 9-12 (percent of total)		GS 13-15 (percent of total)		GS 16-18 (percent of total)	
	Men	Women	Men	Women	Men	Women
Non-minority	24.0	32.0	73.8	16.9	100.0	0.0
Black	8.0	36.0	4.6	0.0	0.0	0.0
American Indian	0.0	0.0	0.0	0.0	0.0	0.0
Asian American	0.0	0.0	3.0	0.0	0.0	0.0
Spanish	0.0	0.0	1.5	0.0	0.0	0.0
Total	32.0	68.0	83.0	17.0	100.0	0.0
TOTAL	100.0		100.0		100.0	

Office of Education

Racial/ethnic origin	GS 9-12 (percent of total)		GS 13-15 (percent of total)		GS 16-18 (percent of total)	
	Men	Women	Men	Women	Men	Women
Non-minority	24.6	40.4	68.5	15.5	67.4	4.6
Black	8.5	23.7	9.3	3.8	16.3	7.0
American Indian	0.5	0.2	0.1	0.1	0.0	0.0
Asian American	0.2	0.5	0.5	0.1	0.0	0.0
Spanish	2.7	0.9	2.0	0.2	4.6	0.0
Total	35.7	64.3	80.4	19.6	88.4	11.6
TOTAL	100.0		100.0		100.0	

National Institute for Education

Racial/ethnic origin	GS 9-12 (percent of total)		GS 13-15 (percent of total)		GS 16-18 (percent of total)	
	Men	Women	Men	Women	Men	Women
Non-minority	20.0	60.0	66.7	20.0	(Not available)	
Black	0.0	20.0	3.3	6.6		
American Indian	0.0	0.0	0.0	0.0		
Asian American	0.0	0.0	0.0	0.0		
Spanish	0.0	0.0	0.0	3.3		
Total	20.0	80.0	70.0	30.0		
TOTAL	100.0		100.0			

Table V-1.--Professional staff of selected federal offices of education, by sex, and racial/ethnic origin: United States, 1974 --Continued

Office of Civil Rights

Racial/ethnic origin	GS 9-12 (percent of total)		GS 13-15 (percent of total)		GS 16-18 (percent of total)	
	Men	Women	Men	Women	Men	Women
Non-minority	7.1	28.6	53.2	16.1	(Not available)	
Black	7.1	50.0	22.6	6.5		
American Indian	0.0	0.0	0.0	0.0		
Asian American	2.0	0.0	0.0	0.0		
Spanish	0.0	0.0	1.6	0.0		
Total						
TOTAL	100.0		100.0			

United States

Racial/ethnic origin	U.S. Work-force* (percent of total)		Professional and technical workers (percent of total)		U.S. Educators* (percent of total)	
	Men	Women	Men	Women	Men	Women
Non-minority	53.8	31.8	55.9	35.4	35.7	54.4
Black	5.3	4.3	2.1	3.3	2.0	5.4
American Indian	0.2	0.1	0.1	0.1	0.1	0.1
Asian American	0.4	0.3	0.7	0.4	0.3	0.4
Spanish	2.4	1.3	1.2	0.7	0.7	0.9
Total	62.1	37.9	60.0	40.0	38.8	61.2
TOTAL	100.0		100.0		100.0	

NOTE.--The Civil Service Commission data include the staff composition of HEW's Office of the Assistant Secretary of Education, Office of Education, and National Institute for Education. The data reflect employment in both Headquarters and regional offices. Data on OCR-HEW reflect only Headquarters staff.

SOURCES: U.S. Bureau of the Census, 1970.
U.S. Civil Service Commission, Status of Federal Civilian Employees, 1975.
Office of Civil Rights, unpublished printout.

VI. HIRING AND PROMOTION:

ELEMENTARY AND SECONDARY EDUCATION

VI. HIRING AND PROMOTION: ELEMENTARY AND SECONDARY EDUCATION

A. WOMEN AS ELEMENTARY AND SECONDARY SCHOOL ADMINISTRATORS

An analysis of the status of women as administrators in elementary and secondary education must begin by examining two arguments which are presented as justification for the small number of women serving as elementary and secondary school administrators:

- There are not sufficient women qualified to serve as administrators.
- Women do not have the ability to serve as effective administrators.

1. Availability of Qualified Women for Administrative Positions in Elementary and Secondary Schools

Administrators claim that the problem of the absence of women administrators in elementary and secondary schools is due to lack of qualified women candidates who hold administrative certificates which require advanced degrees in order to qualify for such positions. 1/ The data as developed below indicate, on the contrary, that women have the degree requirements, course credits, experience, certification, and ability to be employed as principals and superintendents. The lack of qualified administrators cannot be used to explain away the small number of women elementary and secondary administrators.

In order to identify the specific requirements for principals and administrators, the NEA Manual of Certification 2/ was analyzed to determine the necessary credentials required to become an elementary or secondary school principal or to achieve a supervisory position in the public school system. The analysis, which was conducted on a state-by-state basis, covered the requirements for: (1) advanced degrees, (2) course credits, and (3) experience, for such appointments. The results of that analysis were then considered in light of available data on the status of women vis-a-vis these three requirements.

a. Degree Requirements (See Tables VI-1 and VI-2)

A summary of the minimum certification requirements for elementary and secondary principals and for superintendents indicates that almost all states require a master's degree (or more credits) for principals or supervisors; only one state requires a doctorate (and that for a superintendent's position). However, only two states require a master's degree in educational administration for elementary school principal and one state for high school principal. The requirements for the superintendency are more rigid; but even so, only 15 states (31%) require a master's degree in educational administration for the superintendent's position. One state requires a doctorate in educational administration.

An examination of the present degree status of administrators and teachers, in light of these requirements, reveals that of more than 150,000 educational administrators serving in the public school system in 1970, more than 90% held at least a master's degree; however, about 560,000 teachers also held a master's degree in 1970, 48% of whom were women. 3/

Administrators also claim that by failing to secure graduate degrees women are not preparing themselves for policymaking positions in education. This may have been true a decade ago, but it can no longer be substantiated. From 1963 to 1974, 849,100 master's degrees in education were awarded; 54% of them to women. In 1974, women received 60% of all master's degrees awarded. The number enrolled in graduate programs in education also continued to expand. From 1968 to 1972, 56% of the enrolees were women, 58% in 1972. Of the women who enroll, the number and percent who complete their degrees is also increasing. (See Tables VI-3 and VI-4.)

The NEA study of public school teachers 4/ also found that 39% of women teachers were taking educational courses during the school year; 30% during the summertime. The specific types of courses were not described; however, many of the women were clearly satisfying degree requirements.

Finally, although a larger percentage of men teachers hold an advanced degree, the number of men and women holding such degrees is almost equal and more masters degrees are now being awarded to women. 5/

b. Course Requirements

The second area of credentialing for administrators covers specific requirements for courses in educational administration and supervision. Our analysis of the requirements described in NEA's Manual 6/ (See Tables VI-1 and VI-2) indicates that 21 states require 3 to 12 hours of coursework in educational administration and supervision for elementary and secondary principals, and 14 states have a similar requirement. Fifteen states require 13 to 23 hours of educational administration and supervision for secondary principal and superintendents, and 14 states require 13 to 23 hours for elementary principals. Only 3 states require more than 24 hours of educational administration and that only for superintendents. Of particular importance is the fact that in almost all states, provisional certificates can be awarded requiring only that candidates complete the requisite courses within one to five years after their provisional appointments.

Since coursework in educational administration is required for credentialing much more often than are graduate degrees in educational administration, enrollment in educational administration may be more relevant than data on actual degrees awarded. From 1968 to 1972, over 5,000 women have been enrolled in graduate programs of educational administration every year. (See Table VI-5.) Moreover, between 1965 and 1975, 19,457 women were awarded the master's degree in educational administration, 24% of all such degrees awarded, obviously qualifying them under this criterion. (See Table VI-6.) There is, then, a growing pool of women who have satisfied the course requirements criterion.

c. Experience

The third area of requirements is concerned with experience. In some states this requirement is loosely defined simply as "experience" or "school employment." (See Tables VI-1 and VI-2.) Other states describe the requirement in terms of the number of years of teaching required at a specific level. Only 3 states require more than 5 years experience for secondary school principals, and only one state has such a requirement for elementary school principals; at both levels the type of experience is not specified. Thirty states require 3 years or less teaching experience in both categories. Most states do not specify what level of teaching is required, but a few states recognize junior and senior high school teaching experience as acceptable for elementary principals. Elementary principals in 8 states and secondary principals in 10 states are required to have 1 to 3 years experience as administrators in provisional appointments. (See Table VI-1.)

For superintendents and other administrative personnel, the pattern is similar. Only 4 states require more than 5 years experience. Twenty-five states require 3 years or less teaching experience and 20 states require 3 years or less "experience." Eighteen states require 3 years or less as an administrator. (See Table VI-2.)

These experience requirements are minimal, perhaps the least rigorous of any of the certification criteria for administrative positions. Since women represent the vast majority of elementary school teachers and almost half of the secondary school teachers, there are sufficient women who meet the experience qualifications for principals and school administrators.

Of special interest with regard to the criterion of experience is a comparison between the experience of men and women. In the 1968 NEA study of elementary school principals, 24% of the men had less than one year as an elementary school teacher, 83% had less than 10 years; 2% of the women had less than one year; 25% had less than 10 years. 7/ Similarly, a 1965 Virginia study found that only 9% of the men elementary school principals reported 10 or more years of experience as elementary school classroom teachers compared to 66% of the women. It is obvious that the majority of the male elementary school principals in Virginia had little actual experience in comparison to the women in teaching children of elementary school age. 8/ Since women have had far more teaching experience than men, the shorter experience requirement has apparently favored men.

Another experience factor that has favored men is that a number of secondary school principals have been athletic coaches. Fifty-six percent of all principals had had one full year or more experience as an athletic coach; with the exception of experience as a secondary school teacher, more principals had this type of experience than any other. However, only 31% of the principals in the independent (private) schools (where women secondary school principals are likely to be found) had such experience. 9/

Whether the minimal experience requirements were specifically designed to permit ambitious men teachers to move rapidly into administrative positions, thereby encouraging them to remain in the system, cannot be known; but in practice the requirements have clearly favored men.

In contrast, the literature indicates that of the various requirements for administrative positions--degrees, course requirements, and experience--experience is the only one that appears to have been validated.

> "Raising credentialing requirements has been equated with raising standards, the theory being that a state has higher standards if it requires more education as a requisite for the credential. This might be justified if there were any evidence that it was improving the system. The evidence is quite the reverse." 10/

Before 1950, superintendents and principals acquired knowledge from their own experience and from other practicing administrators.

> "The decade of the 1950's was one of ferment in the study of educational administration. But increasingly it has been demonstrated that the effectiveness of the manager cannot be predicted by the number of degrees he holds, the grades he receives in school or the formal management education programs he attends. Academic achievement is not a valid yardstick by which to measure leadership potential . . . The same is true in education where leaders must acquire through their own experience vital knowledge and skills." 11/

d. An Assessment of the Validity of Credentialing

Almost all states have a system for certifying persons as being qualified for principalships and administrative positions. In most, it simply requires a showing that the person has the necessary degree, course credits, and experience to meet the state's criteria. A few states have also required passing scores on special examinations, but their use has been decreasing, particularly in light of court suits finding them not to be job-related. 12/ However, the certification requirement should not prove an insurmountable obstacle to appointment to an administrative position, since in most states a person can obtain temporary certification and then take up to five years to acquire the necessary academic qualifications.

In fact, all certification requirements have come under intense scrutiny and criticism in recent years. Neil Gross, in his book, Staff Leadership in Public Schools states that "the less extensive the formal preparation of principals, the greater was their staff leadership . . . if the colleges and universities are not equal to the task, school systems may need to play a more important part in preparing principals for professional leadership."13/

The University Council for Educational Administration (UCEA) Commission on Certification, after extensive study, reported in June 1971 that: "We do not have adequate evidence to justify, particularly with reference to performance criteria, typical existing state certification requirements, university division standards, or preparatory programs in educational administration." 14/ An Oregon State University study reported similarly; "Principals who were effective could not be distinguished from those who were not on the basis of their formal preparation. In addition, certification requirements in many states appear to be irrelevant to the principal's actual needs. Unless they are changed, the discriminatory practices in the selection of leadership of elementary and secondary school principals will continue." 15/ The principals themselves apparently concur. Asked to evaluate aspects of their preparation or experience that contributed most to their success as principals, 92% cited one or another type of on-the-job experience. Only 1% of the women and 2% of the men cited their college education. 16/

Despite these findings, out of 39 states surveyed on changes in credential requirements, 8 states responded that requirements for credentials in educational supervision will include more credit hours or degrees than in the past. Only two states--California and Texas--indicated that they intend to utilize other ways of certifying principals and not to rely so heavily on degrees and credit hours. 17/

Principals were asked to comment on the certification. They found little disagreement with state certification requirements--only 28% felt that more teaching experience should be required, 24% mentioned more experience in educational administration, and 19% would require more professional coursework. 18/ But for the most part, these were the men who had benefited by the existing system, since women constituted only 10% of the sample.

e. Credentialed Women Today

With the burgeoning of graduate degrees, there is the prospect of an oversupply of highly "credentialed" people who will compete for administrative jobs. Twenty-one of 39 states responding to a questionnaire indicated that they had an oversupply of credentialed candidates for administrative positions. 19/ New York State reported that "an excess of 15,000 teachers are certified as school principals, but not serving in that job." Only 203 jobs opened in 1969-70 throughout the state for which these 15,000-plus could compete. 20/

It is difficult to determine how many of those holding the certificate are women. A recent attempt to survey the existing labor pool of women with acceptable administrative certificates, revealed that many state departments of education have not collected these data by sex. 21/ However, a study by the Women's Equity Action League confirms that a greater pool of women with credentials exists than is being tapped for administrative positions. 22/ The women themselves are clear that the politics of acquiring access to administrative positions depends on obtaining the certificate. In asking students whether they were in graduate school for credentialing purposes, there was a marked difference in the response of men and women; 35% of the men and 51% of the women responded positively. 23/

2. Ability of Elementary and Secondary School Principals

The validity of the issue of ability cannot be substantiated, nor is there any proof that men are better principals than women. Studies indicate that women perform at least as well in the elementary school principalship as do men. Research supports the fact that women are successful as educational administrators. 24/ Several studies showed that women principals operated more democratically than men. 25/

When parents were invited to rate principals' qualities, the schools with women principals tended to outrank those with men. 26/ Administrators and teachers rated women principals higher than men on the evaluation of their on-the-job performance. 27/

Student achievement was higher in schools administered by women principals. 28/ Teachers described women administrators as noticing potential problem situations and being more aware of problems facing their teachers significantly more often than men administrators. 29/ Newell found that "female" elementary school principals showed more evidence of being aware of the cognitive factor of the learning process than did "male" administrators. 30/

Research does not show men to be superior to women in the principalship--in fact, the little evidence we have suggests just the opposite conclusions. Women principals were more aware of the problems facing their teachers than were men principals. 31/ Women principals placed more emphasis on production and maintained more amiable relationships with their supervisors than did men principals. 32/ Women principals generally were more concerned about individual student differences and student problems than were men principals. 33/

Women administrators are more highly rated by teachers, parents and administrators who have had occasion to work with them. 34/ However, one need not argue that women are better administrators than men, but merely that the preponderance of the research indicates that men are not better than women.

3. Discriminatory Practices in the Appointment of Women as Elementary and Secondary School Administrators

Research findings make clear that women's relative lack of status as administrators in the education profession is not warranted on the basis of qualifications for the positions or their ability to perform in the position. Nor can the cause of women's advancement be attributed to their lack of mobility since mobility does not seem to be a factor in advancement from teaching to educational administration. 35/

A large talent pool does exist from which women administrative staff could be selected. 36/ It is difficult to argue that there are too few women qualified as administrators in the elementary and secondary schools, since there is more than enough evidence that there are ample numbers of women candidates for leadership positions in elementary and secondary education.

> "One can find no explanation for the very small number of women in high level administrative positions by looking at advanced training in terms of degrees held, number of years in the profession, and total number of women in the pool from which administrators are selected. However, the statistical information available is very meager. No adequate statistical picture of women superintendents can be drawn from reviewing the data; nothing significant can be said about variables which might be indicative of why so few women are in these positions. All that can be asserted with any certainty is that men far outnumber women as chief administrative officers for local educational agencies, state educational agencies, and the Office of Education." 37/

Perhaps the most common explanation for the status of women as administrators statistics is that given by Dr. William L. Bitner, when he suggested that school boards are "run like the boards directors of any big corporation--by men." 38/

Inevitably then the focus of analysis of this issue must shift from the characteristics and qualifications of women themselves and more to an examination of the system through which administrators are recruited, evaluated, and promoted. Moreover, promotion to principal and executive positions in elementary and secondary school systems is often dependent on issues that may prove not to be based on bona fide occupational qualifications (BFOQ). 39/

A number of writers have described a variety of discriminatory practices surrounding promotional opportunities to administrative positions in elementary and secondary school systems that work to the disadvantage of women. Posting of promotional job opportunities is often a formality. 40/ As is true in most postsecondary institutions, administrators are frequently recruited through word of mouth, a "buddy system" that excludes women, 41/ and decisions on promotion are often made before formal announcements of job openings are circulated. 42/ In some school systems, Lexington, Massachusetts and Fairfax County, Virginia, for example, there is a lack of clear criteria used by school boards and superintendents. 43/ Such criteria as exist are not necessarily related to characteristics needed for success and, therefore, are not bona fide occupational qualifications (BFOQ). 44/

A study of the Alexandria, Virginia, schools noted that each time a principalship is advertised, "the qualifications are stated differently" 45/ suggesting that job descriptions are tailored to fit specific individuals. Additionally, job qualifications may demand certain qualifications that are not required for effective performance, but which rule out women applicants. 46/ For example, advanced degrees may be required that are not always job-related. 47/ The use of the male pronoun often convinces women that the job is not available to them. 48/ Application forms may request information on marital status and age of children, 49/ clearly discriminatory in intent.

Data also indicate that women are not encouraged to train or apply for administrative positions and that men have specific advantages within the promotion system. 50/ A few examples appeared in the local studies: in New York City, most of the positions on the first-step-on-the-ladder to administrative positions are now held by men, giving them preference for advancement to jobs with power and authority. 51/ The Waco, Texas, school system draws most of its administrators from its teaching staff which is 75% women, yet 90% of the administrators are men. 52/ A study of the Lexington, Massachusetts, schools showed that men move up the career ladder with greater frequency and speed than women. 53/ And national NEA data on elementary school principals confirm these findings. 54/ Mitchell hypothesizes that principals are selected and trained under the watchful eye of a patron in the central office of the school system. 55/

The Kalamazoo, Michigan, study showed that men hold a preponderance of those jobs that require the assumption of extra responsibilities which in turn lead to appointment to administrative posts. 56/ In the Harvard University Administrative Career Program, of the 347 who had participated as of January 1972, 27--or about 8%--were women. Eighty graduates were superintendents (none of them women); 33 were assistant, associate, deputy or district superintendents (6 of these were women); and superintendencies of schools and other central office positions were held by 38% of all participants, but by less than 4% of the women. 57/

The University Council for Educational Administration, which represents university departments of educational administration and graduate schools of education in general, has not even started to recruit, counsel, or prepare women for administrative positions. 58/

Much more data are required to document the nature and extent of institutional practices in elementary and secondary schools that discriminate against promotion of women. Without adequate research, it is difficult to document the extent of these practices. However, the composition of the decisionmaking groups in elementary and secondary schools, when considered in light of society's stereotypes of women, and the data on the presence of women as administrators, creates what seems to be a strong case for the conclusion that such practices are widespread.

Since less than 1% of the local school superintendents 59/ and between 10% and 15% of the school board members are women, 60/ women generally exercise little influence over appointments. A male-dominated, closed loop at the decisionmaking level creates barriers which limit women's access to supervisory and administrative positions. 61/ In essence, the present structure places women in the disadvantageous position of being evaluated for promotion by men. This is especially true in the elementary schools where the majority of teachers are women and most of the principals and assistant principals are men. As a consequence, women's opportunities for advancement are limited, and students, many of whom may be making decisions about their own future career plans, are deprived of seeing women in administrative roles.

4. Approaches to Increasing the Number of Women Administrators

The data and literature on elementary and secondary school principals and administrators give some indication as to how the underutilization of women in these positions has come about. They seem to indicate that the qualifications for these positions are often not job-related, but rather were instituted to enable men to gain easier access to such positions at a time when school systems were seeking to attract more men; and felt that to do so the systems had to offer men the opportunity to rise readily into administrative positions.

Despite the fact that many other institutions and employers have started to change their attitudes toward women, the school systems have continued to ignore the issue of sex discrimination. Fewer women in the school systems have lodged complaints than those in postsecondary institutions, although on the face of it there would appear to be ample justification for such complaints. However, the situation is beginning to change. The Equal Employment Opportunity Commission has begun to investigate charges of discrimination against women in elementary and secondary schools. For example, in Delaware school districts, EEOC found that men held most of the secondary school jobs considered career paths to administrative office. They also found specific cases in which women were denied jobs, and less qualified men hired. 62/ It appears to be an area of employment that EEOC should consider for Commission-initiated pattern and practice cases.

Since few elementary and secondary school systems are recipients of federal contracts, they have not been required to examine the availability of women for administrative positions or to establish goals and timetables. Title IX regulations do not require covered institutions and agencies to develop affirmative action plans unless discriminatory practices are proven, so assistance from that legislation will not be automatically available. Because there has been little awareness of the problems at the elementary and secondary school level, the need for affirmative action has generally not been recognized. The major problem has always been seen as residing in the postsecondary institutions, most of which are covered by the affirmative action requirements of the Executive Order. Given the data on the underutilization of women as principals and administrators, it appears that there may be a gap in the coverage provided under the Executive Order and Title IX.

If further investigation substantiates that the qualification criteria for administrative positions are in fact designed to give men easier access to such positions, that would constitute a prior discriminatory practice under Title IX. If elementary and secondary school systems are found to have been discriminating under Title IX, HEW can require affirmative action plans establishing goals and timetables, as well as validation of qualification criteria for promotion to supervisory positions. Additionally, many states have affirmative action requirements for state and state-funded public agencies (which include all public elementary and secondary schools) which need to be examined as alternatives in light of the apparent discriminatory practices generally prevailing at the principal and administrator level. The Recruitment Leadership and Training Institute in its position paper prepared for the Office of Education, has proposed that local school districts and state education departments undertake affirmative action programs, and that federal agencies withhold funds and take legal action where local districts continue to discriminate. 63/

B. SELECTION OF MEN OR WOMEN AS TEACHERS: AN EMERGING ISSUE

The data suggest that when there is a choice to be made between hiring a man or a woman as a teacher, the man has the advantage at every level. To examine this further, a look at the shifts in the presence of men and women in the teaching profession in the past thirty years is required.

In 1940, 89% of the elementary school teachers were women; in 1974, the percentage was down to 84%. In 1940, women were 58% of all secondary school teachers; in 1970 they were 47% of all secondary school teachers. From 1950 to 1970 high school teaching changed from an occupation with a majority of women to one with a majority of men. (See Table II-2.) Even with the married women who were induced to return to teaching during the 1950's, teaching has dropped from an occupation that was overwhelmingly female--83% in 1945--to only 66% in 1972. (See Table II-1.)

During the last decade women received twice as many degrees in education as men (See Table VI-3.) Yet comparatively more men than women were hired at every level from elementary school to high school principals (See Tables II-1 and II-13.) Thus, there has been a marked shift in the employment of secondary school teachers by sex, and a smaller shift in the employment of elementary school teachers. These patterns are apparently becoming more noticeable as the number of new teachers added to the school system each year has decreased.

The demand for new elementary teachers reached a peak in 1970, and is expected to decline through 1980, reflecting the lower birthrate and the smaller school age population expected in the U. S. in the future. 64/ The demand for new teachers in secondary schools is expected to peak in 1976 and will start to decline thereafter. By 1982, total teacher employment will be only 3,000 greater than employment in 1969. 65/

Turnover among teachers has been relatively high compared to other professions because of the large number of women employed and the impact of their life patterns on an uninterrupted work life. Moreover, since occupations that employ a large number of women typically pay low wages, the male turnover rate in teaching has also been quite high, as men seek better paid positions outside teaching. 66/ According to a 1959 study, only 29% of the beginning men teachers had planned to remain in teaching compared to 16% of women teachers, although another 58% of the women had planned to leave for homemaking and then return to teaching. 67/ Therefore, precisely quantifying the supply of teachers at any point presents problems, because of the difficulty in determining the number of married women employed in teaching who are likely to leave the labor force, the length of the period of time they plan to be out, and the numbers who plan to return. There is also significant variation in the hiring of men and women teachers in different parts of the country. In recent years there have been changes in the work patterns of women in education, but there has been no recent study of beginning teachers (and especially of beginning women teachers) furnishing data that permit comparison with the earlier Mason study.

Close examination of the data in secondary school principals study 68/ on the variation in the percentage of men teachers in the secondary schools suggest that the national figures may obscure the degree of shift from women to men in some regions of the country. Men outnumber women in 65% of the high schools in the Northeast, and in 74% of the high schools in the West. In the Southeast, men teachers, outnumber women teachers in only 32% of the high schools--almost the reverse of the relationship of men to women teachers in the West.

NEA data for FY 1972-73 confirm the picture (See Table 7, below). Even in the elementary schools there is a 10% difference between the South with 89% women elementary school teachers, and the West with 79%. However, the greatest difference can be seen in the secondary schools. The percent of women teachers on the faculties of secondary schools varies from 36% in the West to 55% in the South.

Table 7.--Percentage of women teachers in elementary and secondary schools by region of the country: United States, 1972-73.

	Elementary schools	Secondary schools
Northeast	83%	45%
North central	84%	43%
West	79%	36%
South	89%	55%

SOURCE: National Education Association, 26th Biennial Survey, Research Report 1973-R5.

The increase of men in the school system has been spurred, in part, by the GI Bill of Rights which provided the funds to men for education at a time when there was a great demand for teachers. Furthermore, attention has been focused during the past 15 years on getting more men into the teaching ranks in the secondary schools and to a lesser degree in the elementary schools. School systems have held the belief that the heavy preponderance of women teachers in the school system causes male students to be "feminized." 69/ Many educators now consider it desirable for children to have men teachers at the elementary level, as well as the secondary school level. 70/ Others have attributed the increase in male participation in elementary and secondary school teaching to the "increasing professionalism" of the field and the upgrading of the academic credentials of teachers. 71/

Teachers themselves show a positive bias toward the hiring of men. In the elementary school, 75% of the men and 51% of the women elementary school teachers believe that there is a need for more men teachers in the classroom. In the secondary schools, 84% of the men and 66% of the women believe there is a need for more men teachers. 72/

Small attention has been given to the shift in the percentage of women as teachers at the elementary and secondary school level. What little attention has been given to differences in sex patterns in employment practices at the elementary and secondary school levels has concentrated on the principals and administrators. Little or no attention has been given to the hiring practices that affect the largest body of women professionals, namely the teachers.

Evidence of discriminatory practices of hiring of teachers at the entry level in elementary and secondary is difficult to document. Most positions are covered by collective bargaining agreements, established pay scales, and certification requirements; recruitment methods are established by written standards in most public schools. Hiring is usually centralized within the superintendent's office. Hard data on hiring practices, even descriptive studies, except the very few done at the local level by women's action groups, do not exist. However, McKuen has expressed concern that the decreasing percentage of women in teaching positions poses potentially significant problems for women who wish to be hired as teachers. 73/ NEA projections indicate that:

> "841,300 qualified teachers will be unable to find employment in the next 15 years. Women should be concerned with the likelihood that the present ratio of 63 percent women to 37 percent men teachers may be reversed. The prognosis for women in education appears unfavorable. At this juncture women may have difficulty to protect even the status quo." 74/

In analyzing employment practices in the hiring of elementary and secondary school teachers in light of the data just presented, we find that there are two ways that the data can be interpreted:

1. With the very large availability pool of women, and the small availability pool of men, one could contend that when the educational institutions desire to hire men, for whatever the reason, they have been able to. The data indicate that within a comparatively short period of time, institutions have been able to expand the number of men teachers. It would seem, then, that when educational institutions are determined to expand the number of employees from a particular population group they are able to do so despite the availability of a small pool of applicants. If the educational institutions could so easily and rapidly expand the number of men teachers, they could just as readily expand the number of women hired as school administrators, or in tenured positions in postsecondary education, without raising the charge of reverse discrimination.

2. On the other hand, if the above analysis is not a valid one, then there is some evidence of reverse discrimination over the past 30 years in the hiring of teachers in elementary and secondary institutions. There are more women than men qualified to be teachers with appropriate accreditation, who have demonstrated higher academic performance. 75/ Thus, expanding the teaching staffs to include more men has decreased the opportunities available to women, particularly in the Northwest, the Northeast and North Central areas of the country. Examined from this second point of view, one could contend that given the larger pool, the better performance record in college, the larger percentage of women seeking employment as teachers, and the larger percentage of women who remain in teaching (even after interruptions), women teachers are now being, and have been, "reversely discriminated against" for the past 30 years.

Recognizing the difficulty of determining whether the drop in women's employment is caused by a variation in the number of men and women leaving the system, as well as the number entering the system, considerable research is required to determine:

a. Whether the shift in employment of teachers from women to men is part of a continuing trend;

b. Whether the schools have intentionally barred new women teachers from entering the system, or older teachers from returning to the system; or

c. Whether this is merely an aberrant piece of data that is not connected with discriminatory hiring practices in the public school systems.

FOOTNOTES

1. Clement, Sex Bias in School Leadership, 1975
2. National Education Association (NEA), (Stinnett), Manual on Standards, 1974 ed.
3. Mitchell, Leadership in Public Education, Academy for Educational Development, 1972.
4. National Education Association (NEA), Status of the American Public School Teacher, Research Report 1972-R3, 1972.
5. Ibid. The data refer to teachers in 1970-71. The percentage of teachers who held masters was multiplied by the number of public school teachers, 1970-71.
6. NEA, Manual on Standards, op. cit.
7. NEA, Elementary School Principalship, 1969.
8. Seawell and Canaday, National Elementary School Principal, (Journal), May/June 1974.
9. National Association of Secondary School Principals, Report of Senior High School Principalship, 1965.
10. Mitchell, op. cit.; five studies of leadership effectiveness are cited: Livingston, Harvard Business Review, January-February 1971; Fiedler, paper to American Psychological Association, September 3, 1973; Gross, Staff Leadership in Public Schools, 1965; University Council Educational Administration Certification Commission, Memo, June 1971; Goldhammer and Becker, American Education, April 1970.
11. Ibid.
12. See section on Court cases, particularly annotation of Chance v. Board of Education.
13. Gross, Staff Leadership in Public Schools, 1965
14. University Council Educational Administration Certification Commission, Memorandum, 1971.
15. Goldhammer and Becker, American Education, April 1970.
16. NEA, Elementary School Principalship, 1968.
17. Mitchell, op. cit.

18. Secondary School Principals, op. cit.

19. Mitchell, op. cit.

20. Ibid.

21. Niedermeyer and Kramer, "Women in Administrative Positions in Public Education," 1974.

22. Ibid.

23. Creager, The American Graduate Student, 1971.

24. Howard, "Women Public School Teachers...Second Class?" 1974; the paper summarizes these studies.

25. Hemphill, Griffiths and Frederiksen, Administrative Performance and Personality, 1962.

26. Grobman and Hines, National Association of Secondary Schools Principals Bulletin, November 1956.

27. Hemphill et al., op. cit.

28. Gross and Trask, Men and Women as Elementary School Principals, 1965

29. Hoyle, "Problem-Attack Behavior..." Disertation, 1967.

30. Newell, "Instructional Awareness of Elementary School Principals..." 1960

31. Morsink, Educational Horizons, Winter 1968-69.

32. Randall, "Development... of an Instrument to Describe Problem-Attack Behavior," 1965

33. Gross and Trask, op. cit.

34. Howard, op. cit.

35. Mitchell, op. cit

36. Clement, op. cit.

37. Ibid.

38. Bitner, William L., New York Times, July 13, 1975.

39. Bona fide occupational qualificatins are those characteristics where sex is a truly determining factor in an individual's ability to perform a job. Sex is a BFOQ for an actor to play a male role, or for a person to clean a lavatory during the hours it is in use.

40. Lyon, Saario, Phi Delta Kappan, 1973

41. Howard, op. cit.

42. Clement, op. cit.

43. Lexington, Mass., Sex Inequality in Lexington's Schools, 1975; A Study of Sex Bias in Fairfax County Public Schools, 1973

44. Taylor, Phi Delta Kappan, 1973

45. Alexandria, Va., Ad Hoc Committee on Women, 1974

46. Graham, Science, 1970

47. Howard, op. cit.

48. Waco, Texas, Survey of Sex Discrimination, 1973

49. Lexington, Mass., op. cit. Howard, op. cit.

50. Taylor, op. cit.

51. Associate Commissioner for Instructional Services of New York, New York Times, July 13, 1975

52. Waco, Texas, op. cit.

53. Lexington, Mass., op. cit.

54. NEA, The Elementary School Principalship, 1968

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56. Committee to Study Sex Discrimination in the Kalamazoo Public Schools, 1973

57. Clement, op. cit. citing Harvard University, Administrative Career Program, Directory, 1971-72.

58. Taylor, op. cit.

59. National Council of Administrative Women in Education, "Wanted--More Women in Educational Leadership," 1965

60. Niedermeyer, "Women in Administrative Positions," 1974

61. Ibid,

62. Niedermeyer and Kramer, op. cit.

63. Ibid.

64. National Education Association (NEA), Teacher Supply and Demand in Public Schools, 1973

65. National Center for Educational Statistics (NCES), Projections of Educational Statistics to 1983-84, 1974 ed.

66. Padilla, Arthur, Market for Teachers in the Nation..., 1975.

67. Mason, Dressel, and Bain, Harvard Educational Review, Fall 1959.

68. National Association of Secondary School Principals, Report of the Senior High School Principalship, 1965.

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70. Ibid., also Taylor, "Attitudes of Superintendents..," Dissertation, University of Connecticut, 1971.

71. Sexton, The Feminized Male, 1969.

72. NEA, What Teachers Think...1960-65, Research report 1965-R13, 1965.

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74. NEA, Teacher Supply and Demand in Public Schools, 1973.

75. Fifty-eight percent of all secondary education degrees and 91% of all elementary education degrees are held by women; women have a higher grade point average than men, 70% of women with B and above, compared to 54% of the men. GRE scores on verbal ability is 503 for women as compared to 493 for men; on quantitative ability 468 to 545, but women are less likely to major in fields requiring extensive use of mathematics. Feldman, Escape from the Doll's House, 1974.

Table VI-1.--Minimum certification requirements for administrative certificates for elementary and secondary school principals: United States, 1974

Degree requirements 1/	Number of states Elementary school principals	 Secondary school principals
0-15 hours graduate credits	2	-
16-30 hours graduate credits	6	4
31-60 hours graduate credits	3	4
NCATE 2/ approved program	4	3
NCATE approved 2-year program	4	2
Masters	26	31
Masters + 0-17 hours	7	5
Masters + 18-30 hours 3/	4	5
Masters + 31-60 hours 4/	2	4
Specifically in educational administration and supervision	2	1

1/ In all cases a BA is presumed.
2/ National Council for Accreditation of Teacher Education
3/ Five year program
4/ Six year program

Table VI-1.--Minimum certification requirements for administrative certificates for elementary and secondary school principals: United States, 1974

--Continued

	Number of individual states					
	Elementary school principals			Secondary school principals		
Course requirements	Course hours			Course hours		
Course requirements	3-12	13-23	More than 23	3-12	13-23	More than 23
Administration and supervision	21	14	-	21	15	1
Curriculum	16	1	-	17	1	-
Professional education	16	1	1	14	1	1

Experience requirements	Years required			Years required		
Experience requirements	0-3	4-5	More than 5	0-3	4-5	More than 5
Teaching experience	30	1	-	30	1	-
Administrative experience	8	-	-	10	-	-
Experience (unspecified)	4	-	-	3	-	-
Provisional (unspecified)	11	4	1	16	3	3
Principal (experience as a provisional principal)	6	-	-	5	-	-

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SOURCE: National Education Association, A Manual on Standards Affecting School Personnel in the United States, 1974 edition.

Table VI-2.---Minimum certification requirements for superintendents and other administrative personnel: United States, 1974

Degree requirements: 1/	Number of states
16-30 hours graduate credits	1
31-60 hours graduate credits	0
NCATE 2/ approved program	4
NCATE approved 2-year program	6
Masters 3/. 4/, 5/, 6/, 7/, 8/, 9/	36
Masters + 0-17 hours 10/	8
Masters + 18-30 hours* 11/	16
Masters + 30-60 hours**	10
Credits or degree specifically in school administration and supervision 12/	15
Doctorate 13/	4
Educational specialist program	3

Course requirements	Number of individual states		
	Course hours		
	3-12	13-23	More than 23
Administration and supervision 14/, 15/,16/,17/	14	15	3
Curriculum	11	4	-
Professional education	8	3	1

Experience requirements	Number of individual states		
	Years required		
	0-3	4-5	More than 5
Teaching 18/,19/, 20/,21/,22/	25	9	1
Administrator	18	6	1
Principal (provisional) 23/	-	1	-
Experience 24/,25/,26/	20	4	2
Provisional	3	3	-

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* Five year program.

** Six year program.

1/ In all cases a BA is presumed.

2/ National Council for Accreditation of Teacher Education.

Table VI-2.--Minimum certification requirements for superintendents and other administrative personnel: United States, 1974 --Continued

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3/ Alabama has three positions requiring Masters.

4/ Maine, Mississippi, South Dakota, and Arkansas have two positions requiring Masters.

5/ Delaware has four positions requiring Masters + 30 hours.

6/ Kansas has three positions requiring Graduate Degree.

7/ Louisiana and Wisconsin have three positions requiring Masters.

8/ Minnesota has two positions requiring Masters and Partial completion of education specialist position.

9/ Ohio has four positions requiring Masters.

10/ Rhode Island has two positions requiring Masters + 15 hours.

11/ Kentucky has two positions requiring Masters + 45 hours.

12/ The following states require degree specifically in school administration and/or supervision: Alabama, Alaska, Arizona, California, Colorado, Delaware, Idaho, Missouri, New Jersey, New Mexico, South Carolina, Tennessee, Utah, West Virginia, and Wyoming.

13/ Mississippi, Pennsylvania, North Carolina and South Dakota require doctorates.

14/ Alabama has two positions requiring 3-12 hours in administration.

15/ Arkansas has two positions requiring 13-23 hours in administration.

16/ Rhode Island and Georgia have three positions requiring 13-23 hours in administration, and two positions requiring 3-12 hours in Professional Education.

17/ Massachusetts has three positions requiring 3-12 hours in administration.

18/ Alabama has three positions requiring 0-3 years teaching or administration.

19/ Colorado has two positions requiring 5 years teaching.

20/ New York has two positions requiring 0-3 years teaching or administration.

21/ Ohio has two positions requiring 0-3 years teaching.

22/ North Carolina has two positions requiring 5 years as teacher or principal.

23/ Rhode Island has three positions requiring 0-3 years under provisional.

24/ Kentucky, Rhode Island, and Delaware have three positions requiring 0-3 years experience.

25/ Kansas, Mississippi, Nebraska, and Georgia have two positions requiring 0-3 years experience.

26/ Pennsylvania has two positions requiring more than 5 years experience.

SOURCE: National Education Association, A Manual on Standards Affecting School Personnel in the United States, 1974 edition.

Table VI-3.--Annual awards of degrees in education, 1962-63 to 1973-74, by sex: United States

Bachelors degrees	(thousands)			
	Total	Men	Women	
Year			Total	Percent
1962-1963	104.2	26.0	76.4	74.6
1963-1964 1/	(110.5)	(26.9)	(83.5)	(75.6)
1964-1965	118.5	27.9	90.6	76.5
1965-1966	118.4	29.3	89.1	74.9
1966-1967	120.9	30.3	90.6	47.9
1967-1968	135.8	32.7	103.1	75.9
1968-1969	153.2	36.6	116.7	76.1
1969-1970	166.4	41.6	124.8	75.0
1971-1972 2/	192.4	49.9	142.5	74.1
1972-1973	195.7	51.9	143.8	73.5
1973-1974	186.5	49.6	137.0	73.5
Total	1,777.3	447.8	1,329.6	74.8
Doctoral degrees				
Year				
1962-1963	2.075	1.672	.403	19.4
1963-1964 1/	(2.391)	(1.925)	(.466)	(19.5)
1964-1965	2.707	2.178	.529	19.5
1965-1966	3.063	2.461	.602	19.7
1966-1967	3.529	2.807	.722	20.5
1967-1968	4.079	3.249	.830	20.3
1968-1969	4.829	3.859	.970	20.1
1969-1970	5.894	4.698	1.196	20.3
1971-1972 2/	7.041	5.381	1.660	23.6
1972-1973	7.314	5.501	1.813	24.8
1973-1974	7.293	5.316	1.977	27.1
Total	56,593	44,090	12,523	33.1
Masters degrees and 6-year programs				
Year				
1962-1963	37.9	20.6	17.3	45.5
1963-1964 1/	(41.1)	(21.9)	(19.2)	(46.7)
1964-1965	44.4	23.2	21.2	47.7
1965-1966	50.5	25.8	24.7	48.9
1966-1967	55.9	27.9	27.9	50.0
1967-1968	63.7	30.9	32.8	51.5
1968-1969	71.4	33.4	38.0	53.2
1969-1970	79.8	35.7	44.1	55.3
1971-1972 2/	98.3	41.9	56.4	57.4
1972-1973	105.7	44.2	61.5	58.2
1973-1974	112.7	45.2	67.6	60.0
Total	849.1	389.4	459.8	54.2

1/ Data for 1963-1964 were not available. Numbers are estimates.
2/ Data for 1970-1971 were not available.
SOURCE: Department of Health, Education, and Welfare National Center for Educational Statistics, Earned Degreed Conferred.

Table VI-4.--Graduate students enrolled and degrees conferred in Education, by sex, for various years: United States, 1968 to 1974

Year	Students enrolled				Degrees awarded*			
	Total (thousands)	Men (thousands)	Women (thousands)	Women (percent)	Total (thousands)	Men (thousands)	Women (thousands)	Women (percent)
1968	215.1	100.7	114.4	53	67.8	34.1	33.6	50
1969	234.0	105.4	128.6	55	76.2	37.3	39.0	51
1970	254.5	112.3	142.2	56	85.7	40.4	45.3	53
1971	260.5	113.6	146.9	57	95.5	44.0	51.4	54
1972	275.1	115.5	159.6	58	105.3	47.3	58.1	55
1973	N.A.	N.A.	N.A.	N.A.	113.0	49.7	63.3	56
1974	N.A.	N.A.	N.A.	N.A.	120.0	50.5	69.6	58
Total	1,239.2	547.5	691.7	56	663.5	303.3	360.3	54
Five year average (1968-1972)	247.8	109.5	138.3	56	86.1	40.6	45.5	53

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*Includes master's, first professional degrees and doctorates in Education.

SOURCES: Data from U.S. Department of Health, Education and Welfare, National Center for Educational Statistics,
Students Enrolled for Advanced Degrees (1968-1972),
Earned Degrees Conferred (1968-1974)

Table VI-5.--Graduate students enrolled and degrees conferred in Educational Administration, by sex, for various years: United States, 1968 to 1974

Year	Students enrolled				Degrees awarded*			
	Total	Men	Women (number)	Women (percent)	Total	Men	Women (number)	Women (percent)
1968	22,707	17,559	5,148	23	8,539	6,546	1,993	25
1969	23,433	18,270	5,163	22	8,517	6,642	1,875	22
1970	25,138	19,549	5,589	22	9,960	7,590	2,370	24
1971	23,372	18,421	4,951	21	9,627	7,486	2,141	22
1972	23,924	18,812	5,112	21	9,945	7,867	2,078	21
1973	N/A	N/A	N/A	N/A	10,531	8,258	2,273	22
1974	N/A	N/A	N/A	N/A	11,416	8,699	2,717	24
TOTAL	118,574	92,611	25,963	22	68,535	53,088	15,447	23
Five-year average (1968-1972)	23,715	18,522	5,193	22	9,318	7,226	2,092	22

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* Includes master's, first professional degrees and doctorates in Educational Administration.

SOURCES: Data from U. S. Department of Health, Education, and Welfare, National Center for Educational Statistics, Students Enrolled for Advanced Degrees (1968-1972), Earned Degrees Conferred (1968-1974).

Table VI-6.--Graduate degrees awarded in Educational Administration and Supervision, by sex, for various years: United States, 1964-65 to 1973-74

Year	Masters and six-year programs			
	Total	Men	Women (number)	Women (percent)
1964-65	6,514	5,096	1,418	22
1965-66	7,098	5,453	1,645	23
1966-67	7,234	5,631	1,603	22
1967-68	7,750	5,822	1,928	25
1968-69	7,600	5,818	1,782	23
1969-70	8,946	6,652	2,294	26
1970-71	8,599	6,549	2,050	24
1971-72	8,808	6,810	1,998	23
1972-73	9,374	7,219	2,155	23
1973-74	10,254	7,670	2,584	25
TOTAL	82,177	62,720	19,457	24

Year	Doctorates			
	Total	Men	Women (number)	Women (percent)
1964-65	651	583	68	10
1965-66	633	574	59	9
1966-67	704	647	57	8
1967-68	789	724	65	8
1968-69	917	824	93	10
1969-70	1,014	938	76	8
1970-71	1,028	937	91	9
1971-72	1,137	1,057	80	7
1972-73	1,157	1,039	118	10
1973-74	1,162	1,029	133	11
TOTAL	9,192	9,152	840	8

SOURCE: Data from Department of Health, Education, and Welfare, National Center for Educational Statistics, Earned Degrees Conferred, 1964-65 through 1973-74.

VII. HIRING AND PROMOTION: POSTSECONDARY INSTITUTIONS

VII. HIRING AND PROMOTION: POSTSECONDARY INSTITUTIONS

Recruitment, hiring, and promotion activities in major colleges and universities are widely diffused and usually the responsibility of the academic departments rather than a centralized personnel office. Job qualifications are also most often determined by academic departments. The authority of central administration to select or at least review the selection of academic staff is limited, and postsecondary institutions maintain that any changes would conflict with academic traditions of peer review, decentralized authority and diffused responsibility. Yet, present practices at the departmental level seem to permit the continuation of various actions that may not be discriminatory in intent, but seriously impair appointment and promotion of women in postsecondary educational institutions.

These practices can be divided into two categories: those which are used as criteria for hiring and promotion (e.g., productivity in publishing, the requirement for a doctoral degree, etc.) and institutional practices which influence how hiring and promotion decisions are made (e.g., the "old boy system," anti-nepotism regulations, etc.). While practices that relate to both categories affect the employment of women in academe, the former are of particular significance since they go to the heart of the controversy about the need for specific and objective standards in institutions of higher education regarding the establishment of performance criteria for hiring and promotion of faculty. The general posture of postsecondary institutions is that the establishment of such standards is an infringement of institutional prerogatives, and endangers academic excellence. The contrasting argument is that the absence of clear definitions of what is actually required for employment in a particular position, militates against equitable employment practices.

A. CRITERIA FOR HIRING AND PROMOTION

1. Productivity: Publication vs. Teaching

Current criteria for promotion in institutions of higher education place a heavy emphasis on research and publications (productivity) as opposed to teaching effectiveness.

The evidence shows that this bias does not reflect the true feelings of the faculty. For both 1969 and 1972, Bayer found men as well as women overwhelmingly felt that teaching effectiveness, not publications, should be the primary criterion for promotion, although more women felt this way than men (90% to 78%), and there was a greater consensus at two-year colleges (94% to 95%) than at four-year colleges (92% to 86%) and universities (87% to 65%). 1/

The criterion of productivity also underscores the "absence of objective, empirical criteria" by which teaching performance can be evaluated. 2/ In estimating productivity, one can at least count the number of articles or books a person has published. With teaching, it has been contended, one must fall back on arbitrary, subjective judgments which make the entire process political, with "favoritism shown for friends...and those having connections." 3/

Academic women are considered to be less productive than men, 4/ and more interested in teaching than in research. 5/ Astin and Bayer found that 39% of the men, but 63% of the women had never published an article in a professional journal. 6/ In a review of publications in certain journals, Harlan et al also found that the rate of publication by women is lower than that of men. 7/

A variety of reasons have been offered to explain sex differences in the number of publications among members of the faculty with identical years of experience and similar employment settings:

- Women tend to be concentrated in two- or four-year colleges while men tend to be concentrated in universities. Since universities are more research-oriented than colleges, this undoubtedly encourages productivity among university faculty. 8/
- Women Ph.D.'s do not publish as widely as men Ph.D.'s because women do not receive adequate support for their research. The likelihood that a woman is assigned graduate student assistance is less than that of a man. 9/ Although the full-time faculty members are expected to devote one-quarter or perhaps one-third of their time to research, no comparable provision is ordinarily made for the individual, most often a woman, who teaches on a part-time schedule. 10/
- Since fewer women are invited to serve as editors or to write book reviews and articles, be members of professional panels, or of high-ranking research teams, 11/ women's opportunity to attain a publication record equal to men is reduced.

- Referees for journals are said to prefer authors whose sex is associated with the professional field in which the article was written, e.g. a women for dietetics, a man on city planning. 12/ Since "women's fields" are likely to produce less research (e.g., home economics, nursing, etc.), women are less likely to obtain an advantage from this system.

The process of evaluating productivity is itself fraught with problems and arbitrariness. First, there is a lack of consensus as to what constitutes productivity. In part, this is due to the failure of many research studies to match samples by academic rank and length of time in the field, and to use oversimplistic measures. 13/ This has led to contradictory interpretations, often to the detriment of women. There are also substantial differences in productivity by fields of specialization, with the natural scientists, which include few women, being far and away the most productive. 14/

Hornig has pointed out that if all variables are controlled, sex differences in productivity "are reduced to insignificance." 15/ This contention is supported by the Matched Scientists Study which concluded that low productivity is a function of one's disadvantaged position in the communications system of one's discipline, a problem that affects women more than men. 16/

There are other fundamental questions that must be considered. Productivity deals with quantity rather than quality. Are longer articles therefore better than shorter ones? Should the same weight be given to a factual article as to a theoretical article? As Rossi points out, "One fine article can often be equal to a dozen mediocre ones."17/

Given the complexity of the issues involved with promotional practices at postsecondary institutions, further and more refined research is necessary to determine whether productivity is a valid occupational qualification for all positions to which it is applied, and for all the colleges and universities which utilize it. As a major criterion for promotion, 18/ productivity seems to reflect a male concern with research as opposed to a female concern with teaching. 19/ Moreover, whatever the difference in productivity between men and women, this alone cannot account for the gap between the sexes in their rates of promotion and the differential in their salaries beyond the entry levels. 20/

2. The Doctoral Degree

The doctoral degree requirement is also used as a hiring and promotion criterion. However, since proportionally fewer women or minorities obtain advanced academic degrees than do White men, use of the Ph.D. (and perhaps other advanced degrees) as a selection standard for hiring, promotion, or award of tenure may be subject to validation. As indicated by the data on Ph.D.'s (See Tables VII-1a, 1b; VII-2a, 2b; VII-3) most positions at colleges and universities are held by at least some persons without the Ph.D., and men as well as women are so employed. It is, therefore, difficult to prove that the Ph.D. is a bona fide occupational qualification in all cases and under all circumstances.

"One must differentiate in the need for a doctorate by position and by type of college or university. The qualifications for a tenured position at an elite research-oriented university are very different from those for an assistant professorship at a college where the major emphasis is on teaching." 21/

Ph.D's are much less common among faculty at all types of institutions than is generally believed. A 1972-73 survey of college and university faculty by the American Council on Education (ACE) indicated that only 37% of the men and 18% of the women held the Ph.D. Among teaching faculty in universities, only 19% of the women and 48% of the men have a Ph.D. or Ed.D.; 60% of the women and 25% of the men hold the M.A. as the highest degree. 22/

In the Carnegie-ACE survey of faculty (1969), 22% of women and 46% of men had a Ph.D.; 62% of women and 26% of men faculty held an M.A. or less. The remainder held other professional degrees. Even at research universities, only 83% of the men faculty members and 47% of the women faculty members had a doctorate. 23/

The two ACE reports (1969 and 1973) indicated that at all levels, the majority of staff, both men and women, (except for men at the universities) did not hold a doctoral degree, and in 1972, 38% of the men in the universities did not hold a doctorate. 24/

The Creager and Sell data for 1967 also detailed the percentage of faculty at each degree level. Only 23% of all universities, 10% of the four-year colleges and no two-year colleges, had faculty composed of 50% or more

Ph.D.'s. On the other hand, 7% of the universities, 59% of the four-year colleges and 62% of all two-year colleges had faculties where 50% or more held a master's degree as their highest degree. 25/

In 1970, the Modern Language Association's Commission on the Status of Women conducted a nationwide survey of women in English and modern foreign language departments, by type of institution, by rank, by type of appointment, by educational attainment, by sex. Seventy-five percent of the women and 50% of the men had less than a Ph.D. or equivalent. At each level of professorial rank, although there are fewer men without the degree, more men without the doctoral degree reach the level of full and associate professor than do women without the degree. Among the doctorates employed full-time, a larger percentage of the women (30% of the women to 10% of the men) are employed as instructors. 26/

The American Council on Education provided a special run of their 1973 data in order to determine whether individuals with less than a doctorate are concentrated in the instructor and lecturer ranks, and in "other positions" or whether they are employed at professorial ranks on the academic ladder. The data are analyzed below.

Analysis by Type of University or College (See Table VII-1a and 1b)

2-year Institutions

- Only one-third of the entire faculty of two-year colleges are at the assistant, associate or full professor level, and of that group 83% do not hold the doctorate. Broken out, 67% of full professors, 85% of associate professors and 90% of assistant professors at two-year colleges hold less than a doctorate.
- In two-year colleges those holding the doctorates are concentrated at the top and bottom--one-third among the full professors and one-third among the lecturers.

4-year Colleges

- Of the faculty of four-year colleges, 84% are at the assistant, associate or full professor level--69% of that group do not hold a doctorate. Thirteen percent of the full professors, 31% of the associate professors, and 49% of the assistant professors at four-year colleges hold less than a doctorate.

- In four-year colleges the pattern is closer to the expected distribution with those with lesser degrees concentrated at the lower ranks and those with higher degrees at the upper ranks.

Universities:

- 89% of the university faculty are assistant, associate or full professors; 18% of that group do not hold a doctorate.

- 13% of the full professors, 17% of the associate professors and 26% of the assistant professors at universities hold less than a doctorate

- An interesting fact, indicating that advanced degrees are often totally irrelevant, is that in universities, the largest group of those holding a baccalaureate (B.A.) or less are full professors, with evidence that most of these are men. 27/

Analysis by Sex (See Table VII-2a and 2b)

- Three-quarters of the men held the doctorate, but of the 25% who did not, 21% were full professors, 20% associate professors, and 26% assistant professors.

- Of the women, 55% held a degree less than a doctorate. Of that 55%, 6% were full professors, 15% were associate professors, and 32% were assistant professors.

Thus, although comparatively more women (55% to 25%) of the faculty held degrees less than a doctorate, of those without the doctorate, men faculty did substantially better than the women.

Analysis by Age (See Table VII-3)

- Among the younger faculty, there is no apparent recent shift away from hiring faculty with a master's degree or less.

- More older faculty holding the doctorate have achieved advanced ranks than those without, and more of the staff at every age group, from the age of 30 on, hold the doctorate. Nonetheless, in every age group and at every rank, a logical progression occurs for both faculty holding the doctorate and those with a master's degree or less, i.e., both those with advanced degrees and those without are clustered at the lower ranks, but as the faculty gets older more of those holding advanced degrees attain higher ranks at younger ages than those without an advanced degree. Nonetheless those without an advanced degree also rise in rank albeit at a slower pace and fewer reach full professorial rank.

Thus the increase (or decrease) proceeds apparently on the basis of years of experience rather than the degree held.

* * * *

The data from all sources are very clear. More men than women employed at colleges and universities hold the doctoral degree, but men with doctorates or without doctorates do better than women with doctorates. Additionally, although universities and four-year colleges predominantly employ men with the doctoral degree, at every rank including the full professorship, they also employ men who do not have a doctoral degree.

In light of these data, the doctoral degree as a bona fide occupational qualification is subject to question; therefore use of the doctoral pool as the means of determining availability of women seems prejudicial towards women. Since all colleges and universities employ some men without doctorates, requiring women to possess the doctorate upgrades the entry and promotional requirement for women as opposed to men. The need for the possession of a doctorate may vary among two-year and four-year colleges, in doctoral granting and research universities, as well as by departments and/or divisions and by rank within these departments. It is possible that the Ph.D. will be held to be job-related for some university positions and not for others; in some academic fields but not for others; in one subfield but not in others within the discipline; in one type of university but not in another. 28/ Criteria for admission and promotion at prestigious universities are likely to be different. The women who might be qualified for senior positions at high prestige institutions are likely to be found primarily among the following categories: women in junior positions approaching tenure at those institutions, women in senior positions at other research-oriented universities, in government, in industry and in national laboratories. A sizeable group of highly qualified women who have research positions but not faculty rank at major universities (but who may not possess a Doctoral degree) are also likely to warrant consideration.

3. Promotion Practices

Despite their importance, there is relatively little information on promotional practices in higher education, and the ways in which they may discriminate against women. Of the nine status reports reviewed by Robinson, the data on promotion were the most lacking in depth. 29/ The Carnegie survey found that only rarely did affirmative action plans even discuss promotion. 30/ Given its significance to academic careers, the differences and differing impacts of promotion practices warrant much more attention.

Although there has been an increase in the employment of women in academe during the past few years, there has been no comparable increase of women achieving appointment to advanced ranks. Data from the National Center for Educational Statistics show a rise of 3% from 1973 to 1975 in the percentage of women employed compared to the total employment in higher education institutions: a rise of 3% at universities (from 16% to 19%); a rise of 2% at four-year colleges (from 23% to 25%); and of 2% in two-year colleges (from 33% to 35%)--a small step forward at every level. (See Table III-1.)

In terms of promotions to higher level tenured positions, men continue to be promoted at a faster rate than women. During the four years between the Bayer-ACE first sample in 1969 and the second in 1973, the percent of the faculty at full and associate professorial rank went from 42% to 51% for the entire faculty. Of all women employed in colleges and universities in both years, 26% were employed as full and associate professors. (See Table 8.)

Table 8.--Faculty employed at institutions of higher education as full and associate professors, by type of institution, and sex: United States, 1969 and 1972

Faculty	Full and Associate Professors (percent)							
	All institutions		Universities		4-year		2-year	
	1969	1972	1969	1972	1969	1972	1969	1972
Total	42	51	50	62	42	52	17	24
Men	46	55	54	67	45	56	17	24
Women	24	32	25	33	28	37	17	22

SOURCE: Derived from National Center for Educational Statistics, Digest of Educational Statistics 1970 and 1973.

On the other hand, examining the NCES data from 1969 to 1972, on faculty at full and associate professorial rank, in all institutions, while men increased their highest ranks by 9%, women gained 8%. In universities, there was a 13% gain for men, while women gained only 8%. 31/

The Modern Language Association Study found that in 1972, the percentage of women among new faculty appointments was greatest at the assistant professor level, where 31% of the new appointments were women, but only 21% of those now on full-time staff, were women. At the next rank, associate professors, 13% of both the new faculty and the staff that had already been appointed were women, indicating that at the advanced level there was no increase of women. 32/

The Committee on Women of the American Psychological Association claims that in response to affirmative action, women have been offered one-year appointments at various universities, but many of them have been notified that the university will be unable to continue the appointment, regardless of their performance. Thus they have no opportunity of becoming a part of the regular tenured faculty. 33/

The National Academy of Sciences 34/ reports that the fear that unqualified women are invading the tenured ranks seems to have little basis in fact. Of nearly 200 institutions with graduate programs in chemistry (which is virtually all of the institutions which have such programs), between 1971 and 1973, the increase in the number of women at the full professorial level was exactly one. At the associate professor level, a net gain of seven was reported. While it is true that the pool of women chemists is not very deep, there have been approximately 1,500 women who received Ph.D.'s in chemistry since 1960. It is questionable that there were only eight who were qualified to become associate or full professors in a two-year period. As the National Academy observes, "Somehow, women who are qualified to receive Ph.D.'s at our major institutions are 'unqualified' to teach at those same institutions." 35/

Sometimes a woman's attempt to retain her position or gain promotion is extremely frustrating. An example is Hopkin's experience:

> "Rules are not in writing; rules shift as the occasion demands; rules have nothing to do with what a person is teaching; the doctorate is demanded but is irrelevant; qualifications are different (i.e., higher) for women than for men." 36/

According to the Carnegie Commission on Higher Education, discrimination in promotion is probably not deliberate. It is a result of the countless decisions within the many departments and schools that initiate the recommendations for merit increases and promotions. 37/

4. Establishing Specific Hiring and Promotion Criteria

Of perhaps overriding importance insofar as the hiring and promotion criteria in higher education are concerned is the controversy surrounding the establishing of specific hiring and promotion criteria. The nature of this controversy (as well as the present requirements in this regard which have been established by federal agencies) are discussed below.

The courts have held that a hiring criterion which disproportionately excludes large numbers of minority or women applicants must be validated to show that it is predictive of job performance (Griggs v. Duke, etc.).

Educational institutions have claimed that higher education is a unique industry whose academic hiring looks for unique qualities of excellence which are not susceptible to performance criteria. 38/

Comments by institutional spokesmen have persuasively argued that it is impossible to set precise qualification standards for faculty positions that would be applicable to all hiring situations, since in one case, capacity for productive scholarship may be more important than performance as a teacher, and in another, teaching ability may count more heavily. At times, competence in a particular subfield may be decisive. 39/ The individual's record in graduate school, the quality of his or her doctoral thesis, the quality of the graduate school, papers or publications, recommendations from professors and impressions may all be included with varying weights attached to each. 40/ The standard held forth is usually the "most qualified." However, the "most qualified" may be determined on strictly academic grounds alone--knowledge of the subject and ability to teach it; or it may be judged on broader grounds. 41/

On the other hand, since colleges and universities have not usually set forth performance criteria for hiring or promotion, it is extremely difficult to determine whether they have made a good faith effort to eliminate discriminatory practices from their hiring and promotional practices.

Vetter emphasizes the difficulties posed by the confusing welter of job titles, disciplines, subfields, and organizational units present in a large university. 42/ Without establishing performance criteria, there is no way the validation process can be carried out. Under the circumstances, judgments are likely to be intuitive, possibly arbitrary. 43/

The Civil Rights Commission concludes, "Academe is not the only industry that seeks excellence and unique qualities in its professional and managerial employees." The Commission continues to maintain that "the establishment of performance criteria is as appropriate and workable in higher education institutions as in any other industry utilizing large numbers of professional and managerial staff." 44/

Recent regulations by OCR have left predominantly to the institution the determination of requirements for each level of its faculty. 45/ As stated in the Holmes Memorandum of December 1974, colleges and universities are entitled to select the most qualified candidates, without regard to race, sex, or ethnicity, for any position, and preferential hiring of women or minorities is illegal under the Executive Order. 46/ Further, the Memorandum makes it clear that colleges and universities, not the federal government, determine what constitutes qualification for any particular position. The regulations do not require a college or university to lower or change its employment standards. All the government asks is that institutions specify what the criteria are; that the criteria for the determination be related to the job; and that the institutions state how the candidates have been evaluated. Consequently, any qualifications for appointment and advancement that can be defended as being based on performance criteria established by the institution and its academic departments, no matter how discriminatory their end results, are acceptable. 47/

The question of whether institutions of higher education can or should establish specific,validated hiring and promotion criteria will no doubt be the subject of continued litigation in the future, and in the last analysis may be decided by the Supreme Court. (See Chapter XI, Court Cases.)

B. INSTITUTIONAL PRACTICES THAT AFFECT HIRING

In addition to the lack of established performance criteria, there are institutional practices in postsecondary education that affect hiring.

1. The "Old Boy System"

Faculty is frequently recruited informally by a method referred to as "the old boy system." The general practice for departments seeking new faculty is to consult a few colleagues in other graduate departments to determine if they have someone they might recommend for the job. 48/ While this practice does not specifically exclude women, it works to their disadvantage because in a male-dominated system, colleagues and proteges tend to be men. 49/

Among the rationalizations used to justify these practices are that women's education tends to be discontinuous, a euphemism that usually means that women may take time off to bear and raise children; that women will not be able to serve the professor "as a disciple" to the same extent as a man, 50/ since others are less likely to view her as having the capability; and in male-dominated schools such as Harvard, women are considered inappropriate for teaching predominantly male undergraduate classes. 51/

Another consequence of the "old boy system" is that women are not recommended for prestigious positions as frequently as men. In one large department, for example, all of the new men Ph.D.'s were offered positions at several institutions; not one of the new women Ph.D.'s received such offers. 52/ Even written requirements under affirmative action for open publication of job openings have not basically affected this informal network. 53/ Women charge that candidates who are recommended in this way tend to be the men being groomed by faculty members who want to see them placed in prestigious institutions where their performance will redound to the credit of the department in which they have been trained. 54/

The system also affects women's opportunities for receiving scholarships, fellowships, assistantships, and other types of part-time work related to their field of interest while pursuing their education. 55/ According to a study at University of Wisconsin in 1971-72, women are underrepresented as research assistants; they make up only 14% of the total. This is critical since such positions are related to professional advancement. 56/

The importance of fellowships, particularly prestigious ones, is that they are assets not only in obtaining appointments to major colleges and universities, but are frequently weighed as a factor in promotion. If most of these fellowships are awarded to men, it will be the men who carry this label of "high quality," and women will lack it in competing for advancement. In 1971, Attwood found that about 80% of the awards in nearly 70 prestigious fellowship programs were awarded to men. 57/ The following year, Nies reported the percentage had increased to 95%. 58/

2. Discrimination by Employing Agents

If the "old boy system" is a covert practice, overt discrimination by employing agents is more easily documented with hard data. A study by Simpson (1970) has shown that employing agents in higher education--deans, departmental chairman, faculty--discriminate against women when equally qualified men and women candidates are under consideration. 59/ This finding is consistent with Berwald's earlier study (1962) which showed that hiring officials' attitudes and practices strongly favored the selection of men. 60/ However, Simpson also found that employing agents selected a statistically significant number of superior women in preference to less qualified men where there were no men of outstanding qualifications available. 61/ Finally, women employing agents selected substantially more women candidates than men did.

The Carnegie study found that only about 30% of the affirmative action plans of the universities and 13% of the colleges, require any justification if the preferred candidate is a White male. In only a relatively small minority of universities do the plans either explicitly state or even imply that women and minority candidates who are otherwise equally qualified in comparison to White male candidates be considered additionally qualified by virtue of their sex or racial/ethnic group. Despite claims of an objective merit system, academic decisions on hiring and promotion have been based on considerations that were anything but objective. 62/

3. Anti-Nepotism Regulations

Anti-nepotism regulations (i.e., rules forbidding the employment of close relatives) were instituted at academic institutions "largely in response to the institutions' conflicts with state legislatures over which body should have final control over faculty appointments." 63/ While not designed originally to exclude women, they have in practice been highly discriminatory to qualified women married to male faculty and deserve special attention as a form of sex discrimination peculiar to university life. 64/

Recent studies indicate the prevalence of anti-nepotism policies at postsecondary educational institutions. Sigworth (1972) found that 42 of the 63 land grant colleges and universities replying to an AAUP survey had written policies restricting the employment of relatives. Fifty-two percent of all the replying institutions excluded relatives within the same department. 65/ In 1975, 59 institutions replying to the question on anti-nepotism in the Carnegie sample, only five, or less than 10% , had no restrictive policies at all. 66/ The Modern Language Association reported that only 23% of the 254 universities it surveyed had no anti-nepotism rules. Although the rules may pertain to husband-wife, parent-child, and sibling relationships, the husband-wife restriction was the one most often mentioned. 67/ Additionally, some institutions have unwritten anti-nepotism policies, so-called "gentlemen's agreements." Morlock and her associates, reporting on the same survey, found that almost twice as many colleges and universities had unwritten policies as had written ones. They also found that the effects of these policies, whether written or unwritten, varied considerably by rank of employee. By and large, it was the instructors and assistant professors who felt the impact. 68/

Anti-nepotism regulations are used to provide convenient resources for colleges and universities, most of them detrimental to women. Some administrators find them a convenience when they want to turn down one spouse while hiring another. 69/ Others use them to establish a pool of qualified people who can be employed in off-ladder positions on a temporary basis in case last minute staff shortages occur. 70/ According to Dinerman, anti-nepotism policies provide campuses with a cheap source of teaching labor without the concommitant need to grant tenure, promotion, and normal fringe benefits. 71/

Women with advanced degrees who are married to faculty men suffer the most from anti-nepotism practices. Studies have shown that faculty wives with advanced degrees are often able to obtain only temporary or part-time appointments because a permanent appointment was prohibited by anti-nepotism rules. Some women are forced to work outside their major field of interest or to stop work altogether. Other women work as unpaid research or editorial assistants for their husbands. Wives with B.A.'s or M.A.'s often feel discouraged about continuing in graduate school, knowing that anti-nepotism rules will prevent their finding appropriate employment. 72/ Although the effects of these rules are most obvious in colleges located in rural or isolated areas, the problem of restricted mobility for women is also very real at urban universities. 73/

Federal regulations on anti-nepotism policies vary from agency to agency. EEOC and Title IX regulations do not specifically forbid anti-nepotism rules or address the policy directly. If those agencies find that in a specific situation anti-nepotism has discriminatory impact against women, they will rule that the institution has acted discriminatorily and require remedial action; they will not, however, strike down the anti-nepotism policy itself. OCR's Higher Education Guidelines take a stronger stand on anti-nepotism. While not specifically prohibiting such rules, the Guidelines state:

> "If an institution's regulations against the simultaneous employment of husband and wife are discriminatory on their face (e.g., applicable to "faculty wives"), or if they have in practice served in most instances to deny a wife rather than a husband employment or promotion opportunity, salary increases, or other employment benefits, they should be altered or abolished in order to mitigate their discriminatory impact." 74/

OCR officials have indicated that they interpret this language in practice to strike down all anti-nepotism rules whether written or unwritten. 75/

Since anti-nepotism rules, in the vast majority of cases, work against women and limit their employment opportunities, it would appear that legally supportable regulations should be promulgated by all of the enforcement agencies, forbidding anti-nepotism policies across the board. Since the marital privacy right is firmly based on Supreme Court rulings (Griswold v. Connecticut; Loving v. Virginia), rules which prohibit spouses from participating in decisions involving a direct benefit to members of their immediate family--salary, appointment, promotion, etc.--do not restrict women's employment opportunities and are considered valid by OCR. 76/

Action by federal agencies, coupled with effective pressure from women's organizations, has moved postsecondary institutions to begin to change their policies. In 1971, both the American Association of University Professors and the Association of American Colleges issued statements opposing anti-nepotism regulations. 77/ Stanford, Oberlin, and the Universities of Miami, Minnesota, Washington, and Michigan have revised or abolished their anti-nepotism rules so that husbands and wives can work in the same department, 78/ and in Oregon, the State Board of Higher Education eliminated anti-nepotism regulations in 1971. 79/ At the University of Washington, when the anti-nepotism rule was revised, a number of qualified women were recommended for promotion. The University is currently reviewing women who hold positions outside of their husbands' departments and is committed to making similar adjustments in appointments wherever women have been given lower level or off-ladder positions because of the anti-nepotism rule. 80/

While information on changes at these few specific institutions is available, there is no national data on how effective the federal regulations have been in eliminating the negative impact of anti-nepotism rules on women. There are indications that such practices are still being used, though more often as unwritten than as written policies. Adequate data are needed so the continuing impact of such policies can be assessed and so the federal agencies can determine whether regulations on anti-nepotism policies should be tightened in order to eliminate the practice.

4. Rules Against Inbreeding

Closely akin to anti-nepotism regulations are rules at colleges and universities that prohibit the hiring of their own graduates. While the ostensible purpose of these rules is to assure that the departments select their faculty among those trained in a variety of approaches, anti-inbreeding rules affect women adversely, inasmuch as they prevent women who obtain degrees from their husbands' universities from being considered for employment at those universities.81/ At the University of California, Los Angeles, for example, women graduate students could not secure employment as teachers at the university and had to accept positions at less prestigious institutions. 82/ A study of the City University of New York (CUNY) showed that only 2.3% of its doctoral faculty hold CUNY degrees. 83/ Unlike anti-nepotism rules, the impact of anti-inbreeding rules has been given scant attention. It is, therefore, impossible to document how wide-spread the practice is or the extent to which women are affected by it.

C. CONCLUSION

Hiring and particularly promotion of women faculty at the postsecondary level remains a problem. Whether due to institutional practices that are discriminatory, or to the inability (or unwillingness) of the educational institutions to develop unbiased criteria by which women and men can be judged, women have clearly been subjected to discriminatory employment practices. Those who have already suffered the most are the ones least likely to benefit from any new thrust by the educational institutions until these problems are resolved.

The data indicate that women are already available in substantially greater numbers than are presently being utilized for higher level as well as for entry positions. The data also show that there are women with the necessary degrees and experience who have all too often been relegated to nontenured or peripheral positions in academe. (See Chapter III.) Furthermore, despite the increase of women doctorates over the past five years, there has not been an equivalent number of women who have gained promotions.

Establishment of performance criteria for hiring and promotion should eliminate bias in evaluating women in junior positions who are overdue for promotion, should expand employment and promotional opportunities for many qualified women who have been relegated to marginal research positions or one-year renewable lectureships for most of their academic careers. 84/ Faculty wives, women who have been offered marginal employment, women proscribed by anti-nepotism regulations would also constitute a readily available and qualified source of faculty recruitment and promotion 85/ if they were tested against impartial criteria. That there are many women who fall into these groups was emphasized by Serena Stier of the American Psychological Association in her testimony before the House Special Subcommittee on Education: "I have been astonished to find the large number of well trained, competent and interested women available for positions of responsibility who until recently were simply assumed not to exist." 86/

The import of these data is that many women with the necessary education and experience are available for employment at higher-level faculty positions--women who are presently unemployed, who are reentering the job market, or most commonly, who are employed in lower level positions throughout institutions of higher education. Those women already employed by colleges and universities who have not been able to advance in academe are the ones who were intended to benefit from efforts to eliminate discriminatory employment practices.

In order to counteract past practices, postsecondary educational institutions must move aggressively to hire and promote women faculty. A few institutions, such as Wesleyan University in Connecticut, have in fact recruited and hired a substantial number of women. On other campuses, however, the hiring of women has been a token exercise that has taken place mainly in some departments that never had a woman before, such as the Psychology Department at the University of California at Berkeley, which hired two women, the first women hired in the department since 1925. 87/

Carnegie also cites certain gains. A few universities have adopted rules to allow part-time employees to achieve tenure. (However, only 19% of the schools in its sample permitted persons promoted to tenured ranks to continue to serve on a part-time basis.) Many universities are eliminating rules on anti-nepotism;

more women have been appointed to prominent faculty and administrative positions; women and minorities on campuses have begun to organize and speak out more strongly against discriminatory hiring and promotion practices. 88/

Yet despite these apparent gains, on some campuses the number and percentage of women has actually dropped in the last year or two, while the number and percentage of men has increased. The rate of increase of academic hiring has contracted due to budgetary constraints, and women who have not achieved tenure are not having their contracts renewed; having been denied tenure in the past, they are now most vulnerable to budget cuts. 89/

FOOTNOTES

1. Bayer, College and University Faculty, 1970; Teaching Faculty in Academe, 1973.

2. Dinerman, Journal of Higher Education, 1971.

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4. Ibid.

5. Bernard, Academic Women, 1965; Eckert and Stecklein, Job Motivation and Satisfaction of College Teachers, 1961; Bayer, College and University Faculty, 1970; Oltman, AAUW Journal, 1970; Harmon, "Careers of Ph.D.'s" 1968.

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8. Morlock in Rossi and Calderwood, Academic Women on the Move, 1970; Bayer, College and University Faculty, 1970; Dinerman, Journal of Higher Education, op. cit.; Graham, Science, op. cit.

9. Graham, Science, op. cit.

10. Bunting et al., Educational Record, 1970.

11. Mischel, Journal of Educational Psychology, 1974.

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14. Feldman, Escape from the Doll's House, 1974.

15. Hornig, "Affirmative Action Through Affirmative Attitudes," 1972.

16. Ibid.

17. Rossi, College and University Business, 1970.

18. Bayer and Astin, op. cit.

19. Feldman, op. cit.

20. Bayer and Astin, op. cit.

21. Carnegie, Making Affirmative Action Work, 1975.

22. Bayer, Teaching Faculty in Academe, ACE, 1973; and College and University Faculty, ACE, 1970.

23. Bayer, College and University Faculty, op. cit.

24. Bayer, Teaching Faculty in Academe, op. cit.

25. Creager and Sell, Institutional Domain of Higher Education, ACE, 1969.

26. MLA, Hearings, op. cit.

27. Because of the small numbers involved, faculty with the master's degree or less were reported in a single category. The ACE data runs showed, however, the interesting concentration of baccalaureates at full professor rank.

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31. U.S. Department of Health, Education, and Welfare, National Center for Educational Statistics, Digest of Educational Statistics, 1970 and 1973.

32. Modern Language Association, Status of Women in Modern Language Departments, 1972.

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34. National Academy of Sciences, "Doctoral Scientists...1973 Profile," 1974.

35. Ibid.

36. Hopkins, Change, 1973-74.

37. Carnegie, Opportunities for Women, op. cit.

38. Lester, Anti-Bias Regulation of Universities, 1974.

39. Peterson, "Address," before American Council on Education, 1972; Lester, Anti-Bias Regulation of Universities, 1974; Holmes, op. cit.; Vetter, op. cit.; also statements by Bunzel, LaNoue, Perrin, Seaburg, Lorch in Hearings, op. cit.

40. Ibid.

41. Ibid.

42. Vetter, Jan, "Affirmative Action in Faculty Employment . . . ," Report for Administrative Conference of the U.S., September 1974.

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44. U.S. Civil Rights, op. cit.

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46. Holmes, Peter, "Memorandum to College and University Presidents," December, 1974.

47. OCR, Higher Education Guidelines.

48. Sandler, Teachers College Record, 1975; Bunting et al., op. cit.

49. Doland, Journal of the National Association of Women Deans and Counselors, 1966; Berkeley, "Report of the Sub-Committee, 1970; Feldman, American Journal of Sociology, 1973; NCES, Financial Aid, 1973-74; Creager, The American Graduate Student, 1971.

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63. Simon, et al., *Sociology of Education*, 1966.

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74. Office for Civil Rights, Higher Education Guidelines.

75. As reported by Sigworth, *American Association of University Professors Bulletin*, 1972.

76. Sigworth, "Issues in Nepotism Rules," 1972.

77. Hearings, Special Sub-Committee on Education and Labor, August-September, 1974; Pingree and Butler-Paisley, "Attitudes Towards Hiring a Professional Couple," 1974.

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Table VII-1a. --Staff positions held at institutions of higher education by persons with masters (or less) or doctoral degrees, by type of institution: United States, 1973

Staff positions	All colleges (percent)		2-year colleges (percent)	
	Masters or less	Doctorate*	Masters or less	Doctorate*
Professors	18.7	44.4	12.1	32.4
Associate professors	21.8	29.3	23.4	20.0
Assistant professors	30.5	22.8	38.7	13.3
Instructors, lecturers, and others	29.1	3.6	25.8	34.3
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Total	100.1	100.0	100.0	100.0
	=====	=====	=====	=====

	4-year colleges (percent)		Universities (percent)	
	Masters or less	Doctorate*	Masters or less	Doctorate*
Professors	12.2	43.1	23.9	44.8
Associate professors	22.7	30.3	21.5	29.1
Assistant professors	38.7	23.5	27.9	22.7
Instructors, lecturers and others	25.8	3.1	26.8	3.5
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Total	100.0	100.0	100.0	100.0
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*Includes LLB

SOURCE: American Council on Education,1972-73 Faculty Survey

Table VII-1b.--Degrees held by staff persons at higher education institutions, by staff position, and type of institution: United States, 1973

	Professors (percent)	Associate professors (percent)	Assistant Professors (percent)	Instructors, lecturers and others (percent)
All colleges				
Total	100.0	100.0	100.0	100.0
Masters or less	13.9	33.3	33.9	75.8
Doctorate*	86.1	77.8	66.1	24.2
Universities				
Total	100.0	100.0	100.0	100.0
Masters or less	13.1	17.4	25.9	44.6
Doctorate *	86.9	82.6	74.1	55.3
4-year colleges				
Total	100.0	100.0	100.0	100.0
Masters or less	14.0	30.8	48.7	82.7
Doctorate*	86.0	69.2	51.3	17.3
2-year colleges				
Total	100.0	100.0	100.0	100.0
Masters or less	66.7	85.4	90.2	75.1
Doctorate*	33.3	14.6	9.8	24.9

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* Includes LLB

SOURCE: American Council on Education, 1972-73 Faculty Survey

Table VII-2a.--Staff positions of persons at institutions of higher education with graduate degrees, by highest degree earned, and sex: United States, 1973

Staff position	Highest degree held			
	Masters degree or less		Doctorates*	
	Women (percent)	Men (percent)	Women (percent)	Men (percent)
Professors	6.1	23.4	28.7	45.4
Associate professors	17.2	23.2	32.3	29.3
Assistant professors	35.2	28.8	31.6	22.2
Instructors, lecturers, and others	41.6	24.6	7.4	3.1
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Total	100.0 **	100.0	100.1	100.0

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* Includes LLB.

** Percentages may not add to 100.0 due to rounding.

SOURCE: American Council on Education, 1972-73 Faculty Survey.

Table VII-2b.--Graduate degree held by faculty at institutions of higher education, by staff position, and sex: United States, 1973

Degree held	Professors		Assistant professors	
	Men (percent)	Women (percent)	Men (percent)	Women (percent)
Masters degree or less	13.3	19.6	27.8	56.2
Doctorate*	86.7	80.4	72.2	43.8
	-----	-----	-----	-----
	100.0	100.0	100.0	100.0

Degree held	Associate professors		Instructors, lecturers, Others	
	Men (percent)	Women (percent)	Men (percent)	Women (percent)
Masters degree or less	19.0	38.0	69.9	86.5
Doctorate*	81.0	62.0	30.1	13.5
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	100.0	100.0	100.0	100.0

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* Includes LLB.

SOURCE: American Council on Education 1972-73 Faculty Survey.

Table VII-3.--Age distribution of faculty at higher education institutions, by staff position and highest degree earned: United States, 1973

Characteristic of faculty	Years of age									
	Total	29 or less	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65 or over
Total	49,189	1,528	7,728	8,567	8,184	7,216	6,353	4,710	3,127	1,776
Percent	100.0	3.1	15.7	17.4	16.6	14.7	12.9	9.6	6.4	3.6
Master's degree or less	13,543	851	2,124	1,922	1,812	1,850	1,849	1,514	1,061	560
Percent in each age group	100.0	6.3	15.7	14.2	13.4	13.7	13.7	11.2	7.8	4.1
Doctorate*	35,646	677	5,604	6,645	6,372	5,366	4,504	3,196	2,066	1,216
Percent in each age group	100.0	1.9	15.7	18.6	17.9	14.7	12.6	9.0	6.0	3.4
	Percent of age group in each staff position									
Master's degree or less										
Professors		0.1	0.1	0.9	2.4	5.6	8.6	11.0	14.5	15.8
Associate professors		0.3	1.6	4.5	6.1	7.1	9.3	9.0	8.9	7.9
Assistant professors		14.3	12.8	10.0	8.0	6.7	6.1	6.6	5.7	4.1
Instructors, lecturers and others		41.0	13.0	7.0	5.7	6.6	5.0	5.6	4.8	3.8
Doctorate*										
Professors		0.3	1.2	10.7	31.7	47.3	52.6	54.8	55.8	58.8
Associate professors		1.9	18.3	39.0	33.3	20.6	12.8	8.8	7.3	3.8
Assistant professors		37.2	48.9	25.2	10.9	5.8	3.7	2.2	1.5	1.5
Instructors, lecturers and others		5.0	4.2	2.6	2.0	1.8	1.8	2.1	2.0	4.3
Total		100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

* Includes LLB

SOURCE: American Council on Education, 1973, Faculty Survey.

VIII. DISCRIMINATORY PRACTICES RELATING TO FRINGE BENEFITS

VIII. DISCRIMINATORY PRACTICES RELATING TO FRINGE BENEFITS

INTRODUCTION

As defined by both the Equal Employment Opportunities Commission (EEOC) and Title IX of the Education Amendments Act of 1972, fringe benefits cover a wide number of items including health, disability, and life insurance programs; retirement benefits; profit-sharing and bonus plans; numerous leave benefits such as sick leave, short and long-term personal leave, leave without pay, etc. EEOC and Title IX regulations make it an unlawful employment practice for an employer to discriminate between men and women with regard to fringe benefits of any kind. The regulations require that pregnancy be treated in the same manner as any other temporary disability. They also specifically forbid employers to condition benefits available to employees, their spouses and families on the employee's marital status or whether the employee is "head of household" or the "principal wage earner" inasmuch as these designations have no relationship to job performance. 1/

Despite these strictures, discriminatory practices persist. Women employed by educational institutions are frequently excluded from fringe benefits, receive fewer benefits than men, or in other ways are treated inequitably. To a large extent, these restrictive policies arise from a lack of recognition that a woman can combine a career with her unique biological role (childbearing), and her traditional social role (childrearing); the policies are also influenced by actuarial decisions made by insurance companies.

A. MATERNITY BENEFITS

1. Childbearing

Major issues affecting the employment and advancement of women in educational institutions are the discriminatory policies and practices relating to their childbearing role. While these practices now appear to be undergoing change, due to administrative and judicial rulings and to pressures from women's groups, there is only fragmentary information on the extent to which educational institutions are complying with the new requirements.

Discriminatory Practices

One major area of discriminatory practices associated with childbearing is that which requires mandatory leave for specific lengths of time before and after childbirth. Although these policies have now been declared illegal, elementary and secondary schools have generally required women to take leave at the end of the fourth or fifth month of pregnancy and to remain on leave from three months to a full year after giving birth. 2/ 3/ In some cases, women have been allowed to use all of their accumulated sick leave as a maternity benefit, but more commonly they are dropped from the payroll entirely. 4/

At the postsecondary level, most universities have had no policies at all regarding maternity leave. According to Patricia Graham, in her 1970 article in Science, the chief reason for this is that administrators feel development of such policies is not necessary. 5/ Where policies have been established, they frequently duplicate those of elementary and secondary school systems.

The rationalizations for mandatory leave policies have been inconsistent. While administrators often argued that the policies were required for administrative convenience, the policies often defeated that purpose since the fourth or fifth month of pregnancy did not necessarily coincide with the beginning or end of a school term. Court hearings on the practice disclosed that perhaps the primary reason for requiring mandatory leave early in the pregnancies was the belief that children were "innocent" and should not be exposed to pregnant women. The reason for requiring teachers to remain away from school after giving birth was the equally outdated belief that women were fragile and required substantial time to recover from childbirth.

The Supreme Court, in the case of Cleveland Board of Education v. La Fleur, (1974) struck down policies requiring mandatory leave at an arbitrary date prior to childbirth and forbidding return to work prior to a specified period after birth, on the grounds that such policies are arbitrary and violative of the 14th Amendment to the U.S. Constitution. The Court found that such policies unduly penalized a woman for bearing a child and therefore constituted an unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to conceive a child.

Under the ruling, educational institutions must permit women to work so long as they are physically capable and to choose for themselves the date of commencing leave, as long as sufficient advance notice is given to the school. Schools may establish rules on when a woman may return to work in order to insure consistency of instruction but cannot make arbitrary presumptions about when a woman is physically fit to return.

In a related case, the Supreme Court just recently ruled that a state cannot deny unemployment compensation on the basis of a conclusive presumption that a woman is unable to work past the 6th month of pregnancy or until 6 weeks after childbirth. As in LaFleur, the Court held that more individualized means must be used. (Turner v. Department of Employment Security 11 FEP 721 (Sup. Ct. 1975).

There are few data on how many school systems are complying with the rulings, though schools face clear liability if they fail to comply, and are liable for retroactive payments. For example, a federal district court has ordered every school system in Virginia to grant back pay for the past six years to teachers who were forced to quit work because they were pregnant. 6/ Only in the Geduldig case, discussed in detail in Section XI on court cases, did the Supreme Court decide against protection of women's rights in pregnancy cases.

Reinstatement and Seniority Rights

Teachers are not only subject to discriminatory practices with regard to maternity leave, they frequently also lose their rights to reinstatement and seniority. Despite all evidence to the contrary, women are still looked upon as "non-permanent members of the labor force" on the argument that they interrupt their careers to bear and raise children. 7/

According to Howard, some institutions give teachers who take maternity leave no reemployment rights at all; they are reemployed only if a suitable vacancy occurs. In some school systems, teachers have to forego their rights to tenure in order to be reemployed. In other cases, teachers were not able to return to the same school, the same program, the same desk, or had to become substitutes rather than regular teachers. 8/

Pregnancy as a Temporary Disability

The most controversial issue on fringe benefits is whether pregnancy must be treated in the same manner as any other temporary disability for the purpose of fringe benefits. This determines whether health and disability insurance policies must cover pregnancy, whether sick leave can be used during pregnancy, and whether extended leaves of absence (with or without pay) must be made available to women during childbirth if such leave is available for other temporary disabilities.

In the past, most employers did not permit women to claim disability benefits because of time lost due to pregnancy, or to take sick leave or extended leaves, with reinstatement rights and retention of benefits, during or immediately following pregnancy. 9/

In the past most disability insurance programs would not pay for time lost during pregnancy; nor would most employers grant leaves of absence, with reinstatement rights and retention of benefits, to pregnant women. Less pervasive, but still a problem is the fact that many health insurance policies that the educational institutions utilize exclude coverage of childbearing expenses for employees, although these policies usually cover childbearing costs of the wives of men employees. As a result, women were required to suffer lost income, and lost employment, because of childbirth, while being required to bear the full medical costs related to pregnancy and childbirth. 10/ Because pregnancy has, for so long, been considered a unique and special condition, no other temporary disability has been treated in the same exclusionary manner.

A variety of reasons are offered to explain the different treatment of pregnancy in fringe benefit policies. Employers have argued that pregnancy is a voluntary condition; since women choose to become pregnant, they should bear the cost. They also asserted that pregnancy is not a sickness and therefore should not fall under sick leave policies. However, the primary reasons appeared to be the fact that covering pregnancy-related leave might be expensive, and the long-standing attitudes and stereotypes which have always put pregnancy in a class by itself. The Office of Federal Contract Compliance (OFCC), EEOC, and Title IX regulations have all declared that since the exclusion of pregnancy from fringe benefit programs affects only women, it is therefore discriminatory. Title IX goes even further and protects both seniority rights as well as other benefits and services. Where an educational institution does not have a formal leave policy or where an employee does not qualify for leave because of inadequate longevity on the job, Title IX also requires reasonable leave without pay, with guaranteed rights to reinstatement.

These regulations are now being tested in the courts. While the Supreme Court has yet to rule, over five of the U.S. Circuit Courts of Appeal have upheld the regulations. In cases such as Wetzel v. Liberty Mutual Insurance Co., and Gilbert v. General Electric, the courts have rejected the standard arguments for treating pregnancy as a unique situation for the purposes of fringe benefits, holding that pregnancy must be treated in the same manner as any other temporary disability.

On the question of the voluntariness of pregnancy, the courts have said that on the one hand, pregnancy may not be voluntary; on the other hand, other voluntary disabilities such as injuries resulting from sports, drinking, etc., were covered by such fringe benefit plans. The courts have also pointed out that if a practice is discriminatory, the fact that it will cost an employer more money to correct the practice, is rarely a defense against the charge of discriminatory employment practices. The courts have concluded that since pregnancy is a disability common only to women, to treat it differently to the disadvantage of women by applying a separate fringe benefit policy to it, is sex discriminatory.

Overall, indications are that employers have been slow to change their policies in light of the federal guidelines. Many apparently did not accept the guidelines and were awaiting a judicial decision on their legality. Even with the large number of Circuit Courts ruling favorably on the regulations, employers still appear to be waiting for a definitive decision by the Supreme Court, expected next year, before they alter their policies.

As yet there is very little information on the extent to which educational institutions have complied with the federal regulations or the court rulings. Although a number of studies of local school districts have been made since the rulings and court decisions (mainly by local commissions on the status of women), no national data are available. It is clear from these local studies, however, that compliance is at best fragmentary, 11/ and that where so-called exemplary plans have been adopted, they are often the result of collective bargaining negotiations and/or pressure from organized women's groups. 12/

Two plans that are often cited for their exemplary qualities are those of Toledo, Ohio, and Kalamazoo, Michigan. In Toledo, the contract negotiated with the Federation of Teachers covers all women regardless of their marital status, permits sick leave to be used as maternity leave, and does not require a doctor's statement before leave is granted. A teacher can remain on the job as long as she desires and is guaranteed reinstatement with full seniority and incremental pay. 13/ This plan appears to contain most of the components recommended by the Kalamazoo plan, and though less far-reaching, also shows a considerable advance over earlier policies. Current policy is that women may take either maternity or sick leave, depending on the length of the leave requested. Both wed and unwed teachers are covered. If a teacher takes maternity leave, she is not paid, but is assured of placement in the first vacancy that occurs at the time she seeks to return to the system. She may or may not get the same job back. In the case of sick leave, teachers receive all their sick leave benefits and return to the same job. 14/

With respect to postsecondary schools, Weitzman notes that both the University of Vermont and Yale University have extensive plans, and that 10 of the 40 universities whose affirmative action plans she surveyed have incorporated maternity leave. 15/ Whether all or most postsecondary schools have adopted such policies is unknown.

Rulings by themselves do not necessarily bring about change. The enforcement of these rulings require a federal commitment as well as organized pressure from constituent groups. Elizabeth Koontz, former Director of the U.S. Women's Bureau, found that despite repeated warnings to the states to eliminate discriminatory practices, particularly those relating to pregnancy, "results have been negligible." 16/

2. Childrearing

Childrearing is a responsibility that can be borne by either men or women. However, since these responsibilities are usually borne by women, the absence of benefits to protect them can be considered a problem that mainly affects women.

Unlike maternity leave, leave for purposes of childrearing has only recently become an issue in connection with the academic employment of women, although professional associations as well as teachers' unions have been concerned with it for several years. The National Education Association (NEA) and the American Federation of Teachers (AFT) 17/ have passed several resolutions urging schools to grant leave for childrearing purposes and have also urged that such leaves be included when fringe benefit packages are negotiated. 18/ Recommendations for childrearing leave have also been made by Committee W of the American Association of University Professors (AAUP) 19/ and the Citizen's Advisory Council on the Status of Women. 20/

At the postsecondary level, a few universities have begun to grant leaves for childrearing. For example, both Princeton and Stanford extend faculty women's contracts and postpone tenure decisions one year for each year taken off for childbearing and/or rearing, up to a maximum of two years. 21/ As Weitzman's data show, however, only 10 percent of her sample colleges include childrearing leave as a component of their affirmative action programs. 22/ At the elementary and secondary levels there appears to be no movement at all.

B. OTHER HEALTH BENEFITS AND INSURANCE PROGRAMS

1. Health Benefits

Although the lack of fringe benefits connected with women's childbearing and childrearing roles has been widely scrutinized, there is considerably less information about other fringe benefits which may be discriminatory towards women.

Various studies have examined health benefits to those employed in educational institutions, but none of them have collected the data by sex, nor have they addressed the issues that are defined as sex discriminatory. Such data are essential in order to document appropriately the extent of such discriminatory practices, in order to be able to correct them.

Nevertheless, there are indications that inequities do exist. For example, educational institutions frequently provide routine health care services to men but not to women. Women students and faculty "pay extra for gynecological services, while men are treated for genito-urinary health problems as a matter of course." The reason for this is that "the male body is regarded as the norm." 23/

In some of these areas, there has been some, though hardly dramatic, movement to correct inequities. The New York State Division of Human Rights has determined to move aggressively to enforce its laws prohibiting discrimination in health benefits. 24/ A few schools such as Yale, the University of Vermont, and the Catonsville (Maryland) Community College are reported to have developed extensive health plans. 25/ However, as Weitzman notes, only 5 % of the schools she studied included a health care program for women in their affirmative action plans. 26/ Title IX regulations require educational institutions' health service programs to provide full gynecological care to students but do not mention services to faculty. In other cases, health insurance that covers the wife and children of a man employee, does not equally protect the husband or children of a woman employee. 27/

2. Other Insurance Programs

Life insurance policies are restrictive. In testimony before the Senate Subcommittee on Antitrust and Monopoly, the Insurance Commissioner of the State of New Hampshire noted that women "pay more than they should." 28/ The predominant practice in the life insurance industry is to charge women the same rates as men who are three years younger. If there is to be a differential, the Commissioner believes that the setback for women "should be at least twice that ...

and at the young adult ages, say 15 to 35, when men tend to do themselves in on the highways, the differential should be even more pronounced." 29/

A comprehensive study of discrimination against women by the insurance industry in Pennsylvania concluded that while women live 6 to 9 years longer than do men, the industry grants women only a three year setback in premium rates. 30/ With regard to life insurance as well as health, disability and other forms of insurance, the report concluded:

> Overcoming women's insurance problems, the Task Force found, does not involve radical changes or the infusion of wholly original policies or practices. Instead, most women's problems can be resolved by extending to the female half of the population the same services, opportunities, and protection already established for men, and by eliminating certain practices which subject women to differential treatment solely on the basis of sex. 31/

Sandler also noted that "a man and a woman in the same occupational class and the same age should be able to buy the same disability income benefits," 32/ but many companies restrict women to a benefit program of two to five years, "while a man in the same occupational classification can buy coverage which pays benefits to age 65 or even for life." 33/

C. RETIREMENT BENEFITS

Issues connected with retirement benefits for women in educational institutions are currently the source of considerable argument and confusion. The central concern is the issue of equal contribution versus equal benefits i.e., whether women can be required either to make larger contributions or to receive lower retirement benefits than do men. The confusion is compounded by contradictory federal guidelines. 34/

There are three laws, two federal agencies and three sets of guidelines that relate to equity in retirement benefits. Under the Equal Pay Act, as interpreted by the Wage and Salary Administration of the Department of Labor, employers can either make equal contributions for men and women or provide them with equal benefits. They are not required to do both. If they make equal contributions, they are permitted to take into consideration the presumed average longer life span of women and thereby reduce the monthly benefits paid to women. If they choose the second option, they and the women (where the cost of the plan is shared) may be required to contribute more for women than for men to the pension funds and thus equalize monthly benefits for both upon retirement. 35/

Regulations for Title VII of the Civil Rights Act 36/, issued by the Equal Employment Opportunity Commission (EEOC), breaks sharply with this dual policy. 37/ According to Section 1604.9(f), it is an "unlawful employment practice" to differentiate in benefits on the basis of sex and Section 1604.9(e) clearly states that:

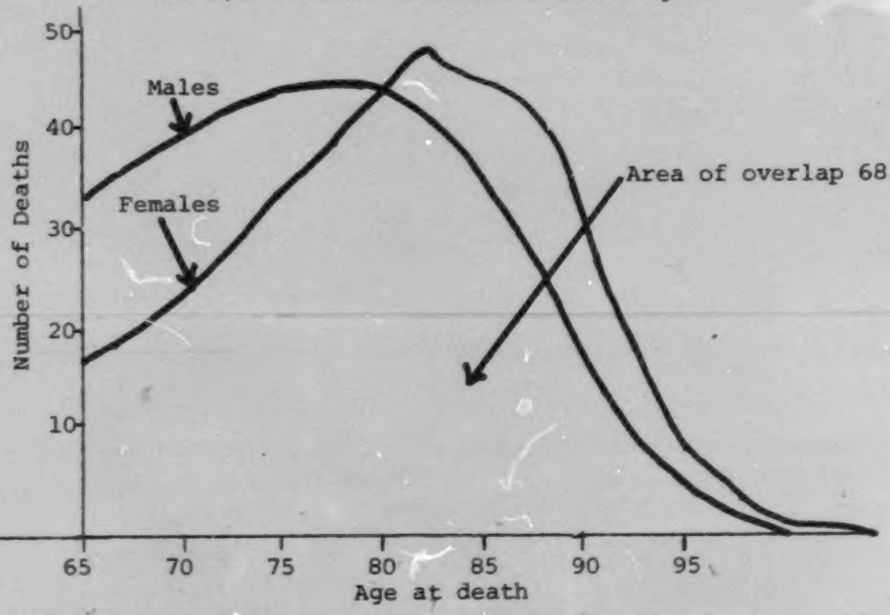
> "It shall not be a defense under Title VII to a charge of sex discrimination in benefits that the cost of such benefits is greater with respect to one sex than the other." 38/

Therefore under EEOC guidelines, an employer must pay equal contributions and provide equal benefits, without differentiating on the basis of sex. However, women's lower salaries throughout their careers will lead to lower benefits even if these benefits are determined on the same basis as men's. 39/

The third law that applies to sex discrimination in retirement benefits is Title IX of the Education Amendments of 1972, whose final regulations were issued in July 1975. DHEW has temporarily accepted the Department of Labor guidelines, allowing employers to choose between equal contributions or equal benefits, although it "recognizes the need to move toward some provision for equality in periodic benefits." 40/ The President has directed the Equal Employment Opportunity Coordinating Council to study the issue. Their recommendation will be forwarded to him by April 1976. 41/

The chief argument used to justify paying women lesser benefits is that on the average women live longer than men and therefore it costs more to provide women with retirement benefits that are equal to those of men, since benefits must be paid out over a longer period of time. 42/ Aside from the obvious inequalities that such an argument entails, its factual basis has been questioned. Barbara Bergmann has shown that while it is true that the "average woman" lives longer than the "average man," there is an overlap of more than 68 percent between the two groups in their longevity rates. This leaves 32 percent of the population "of which 16 percent are men who die relatively early, unmatched by women's deaths, and of whom 16 percent are women who die relatively late, whose deaths are unmatched by male deaths." 43/ (See diagram, Table 9, below.)

Table 9.--Distribution of death ages of 1,000 white males and 1,000 white females who reach age 65



SOURCE: U.S. Life Tables, 1959-61

Additional inequities may relate to other fringe benefits that affect the retirement income of women educational personnel. Policies regarding maternity vary widely, and it is still common for women to be terminated rather than given leave at some point during pregnancy. At termination, their participation in retirement plans ceases; even when there is no termination, as shown in the Kalamazoo study, the institutions may not continue payments to the pension fund. Nor are women always able to continue payments on their own. This does not always hold true for men who for one reason or another take leave. 44/

The result of these various inequities is that upon retirement women teachers are forced to live on an income that is smaller than men's. Since there is no evidence that the cost of living is less for a woman than for a man, the consequence of these practices almost inevitably forces women to reduce their living standards, sometimes even to the poverty level. 45/

Although most, if not all, educational institutions participate in these discriminatory practices, much of the current debate centers around the Teachers Insurance and Annuity Association (TIAA) 46/ which serves about 334,000 staff members in 2,638 postsecondary schools in the United States and Canada. 47/ As it presently functions, TIAA requires equal employer and employee contributions for men and women of the same age, salary and work experience, but pays differential benefits on the basis of sex. (See Table VIII-1.)

In testimony before the House Subcommittee on Education and Labor 48/ representatives of TIAA, although admitting possible inequities, defended its policies on actuarial grounds. They argued that sex was actuarily significant, while race and living habits were not; that over the long run, the "average" women receives as much in benefits as the "average" man since she lives longer; that changing the plan would work inequities on men, since funds would have to be shifted from men to women; and ultimately if benefits were equalized, it would lead to even greater discrimination against women because rates are based upon a pool of annuitants and, since rates for a male pool are cheaper than those for a female pool, it would lead to the hiring of more men than women by educational institutions. 49/

Retirement benefits are affected in other ways as well. Under TIAA, for example, an enrolled person's spouse is eligible for like insurance only if more than half of the combined income of husband and wife is derived from an institution sponsoring TIAA. Since not all spouses are employed by academic institutions, and most women earn less than their husbands, the effect of this policy is that most academic women cannot buy coverage for their spouses while most men can. 50/

Women's groups and other organizations have refused to accept these assumptions, sometimes because of the factual inaccuracy--race and living conditions, i.e., poverty, do affect longevity--but more often because of ethical and legal considerations. 51/ Using the firmer guidelines of Title VII, the American Nurses Association has initiated three separate suits against TIAA-CREF and the Women's Equity Action League (WEAL) has filed a complaint against all educational institutions that sponsor TIAA life insurance. 52/ The EEOC, even though it lacks enforcement powers, has already found reasonable cause for charges of discrimination against the University of Iowa and Wayne State University for use of such policies. 53/ In addition, with the exception of the American Council on Education, most professional organizations such as the Association of American Colleges, the American Association of Higher Education, and the HEW Advisory Committee on the Rights and Responsibilities of Women, are already on record as favoring both equal contributions and equal periodic benefits.

FOOTNOTES

1. Title IX and EEOC Regulations

2. Koontz, "Childbirth and Child Rearing"; individual reports on school systems including Fairfax, Va.; Dallas, Tex., and others; Citizen's Advisory Council on the Status of Women, Job-Related Maternity Benefits, 1970.

3. Howard, "Women Public School Teachers..." 1974.

4. Ibid; Koontz, op. cit.

5. Graham, Science, 1970

6. Bureau of National Affairs, August 21, 1975. This case is presently under appeal.

7. Osborn, Grant M., Compulsory Temporary Disability Insurance in the United States, 1958. It should be noted, however, that Osborn did not advocate this position inasmuch as he also pointed out that "to deny benefits in all cases of pregnancy constitutes discrimination against a significant group in the labor force." For more current information see, Rubin, The Rights of Teachers, 1972; Special Task Force Report, Work in America, 1973; Kreps, Sex in the Market Place, 1971; Sandler, Chronicle of Higher Education, 1972; Hayge, Monthly Labor Review, 1973

8. Howard, op. cit.

9. Ibid.

10. Ibid.

11. See, for example, the Dallas Women's Coalition, 1973 and the Fairfax County Commission on Women, 1974, Reports, op. cit.; and the 1971 ruling by the New York State Division of Human Rights.

12. See, for example, Women's Rights Policy Resolutions, American Federation of Teachers, and Carnegie, Opportunities for Women, 1973.

13. The Toledo Federation of Teachers.

14. Kalamazoo, Committee to Study Sex Discrimination in the Public Schools, 1973.

15. Weitzman in Rossi and Calderwood, Academic Women on the Move, 1973; see also, AAUP, "Leaves of Absence...," 1973.

16. Koontz, op. cit.

17. Women's Rights Policy Resolutions (AFT), op. cit; NEA, Resolutions, New Business, and Other Actions, 1975.

18. Stern, Teachers Unions, AFT

19. Carnegie, Opportunities for Women, 1973

20. Howard, op. cit.

21. Weitzman, op. cit.

22. Ibid.

23. Harris, American Association of University Professors Bulletin, Fall 1970.

24. Shack, (New York Civil Liberties Union), Statement, Hearings, Joint Economic Committee, Part 1, July 1973.

25. Weitzman, op. cit.

26. Ibid,

27. Hearings, Joint Economic Committee, op. cit.

28. Ibid.

29. Ibid.

30. Insurance Commissioner's Advisory Task Force on Women's Insurance Problems, Final Report and Recommendations, June 1974, Pennsylvania Insurance Department.

31. Ibid.

32. Hearings, Joint Economic Committee, op. cit.

33. Ibid.

34. Woolf, Statement, Hearings, Special subcommittee on Education, August-September, 1974.

35. Ibid.

36. Civil Rights Act of 1964.

37. Schlossberg, Shavlik, McBride, "Equal Benefits in Retirement," 1974.

38. Title VII, CRA, Section 1604.9(e).

39. New York State Commission on the Quality, Cost, and Financing of Elementary and Secondary Education, The Fleischmann Report, Vol. III, 1973.

40. Final Title IX Regulations.

41. Personal Communication, Women's Action Program, DHEW.

42. Willard, Statement, Hearings, Special subcommittee on Education, op. cit.

43. Raffel, Statement (quoting Bergmann, Economist, University of Maryland), Hearings, Special Subcommittee on Education, op. cit.

44. Koontz, Elizabeth D., "Childbirth and Child Rearing Leave . . .," unpublished paper, undated; Citizens Advisory Council on the Status of Women, Job-Related Maternity Benefits, November, 1970; Toledo Federation of Teachers, There is a Difference in Teacher Contracts, undated; Kalamazoo, Michigan, Committee to Study Sex Discrimination, 1973.

45. Steinback and Reback, "Equal Pay Act and Equal Pay", 1974.

46. The examples employed by TIAA-CREF in its description of the programs are also sexist since they continually center on men: "At death of either you or your wife . . ." "Professor White is now 30 . . . He and his college together, etc." Your Retirement Annuity, op. cit.

47. Schlossberg, Shavlik and McBride, op. cit.

48. Willard, Statement, Hearings, Special Subcommittee, op. cit.

49. Ibid.

50. Based on EEOC Guidelines and WEAL lawsuit against all educational institutions.

51. Schlossberg, Shavlik and McBride, op. cit.

52. On Campus with Women, Newsletter, No. 6, May 1973; and No. 10, November 1974.

53. On Campus with Women, Newsletter, No. 8, April 1974.

Table VIII-1.--Annual income from single life annuity, by age at time of first income, age at time of first premium payment, and sex: Teachers Insurance and Annuity Association

Age when monthly premiums begin	Annual annuity income* starting at age		
	65	68	70
30 years			
Men	424	529	614
Women	365	451	521
35 years			
Men	339	428	501
Women	292	365	424
40 years			
Men	264	339	400
Women	227	289	330
45 years			
Men	197	260	311
Women	169	221	264
50 years			
Men	138	190	233
Women	119	162	197
55 years			
Men	86	128	163
Women	74	109	138

* Data is based on $10 monthly premium.

SOURCE: Teachers Insurance and Annuity Association, Your Retirement Annuity, 1971

IX. WOMEN'S PATTERNS OF LIFE AND WORK

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Among the variables that reduce women's competitive position in educational institutions and account for the underrepresentation of women in postsecondary education and in leadership positions in elementary and secondary education, may be the constraints imposed by the life patterns of women and the societal role for which women are trained from childhood. Some of these variables are real issues that do have impact on women's status in academe; however, they are generally not of sufficient consequence to account for all employment and salary differentials between men and women. While many of these issues cannot be readily resolved, their impact could be diminished if educational institutions were willing to adjust their practices, to accommodate to the reality of women's lives and societal responsibilities.

A. INFLUENCE OF MARITAL AND PARENTAL STATUS ON CAREERS

Women educators at all educational levels have similar family status characteristics. By and large, the woman educator is more likely to be single, widowed, separated, or divorced than either the average male educator, or the average woman who is not an educator. If married, the woman educator is likely to have had fewer children than her male counterpart. Aside from women teachers in elementary and secondary education, this pattern holds for women school administrators, and for women faculty and administrators in postsecondary institutions.

The Unmarried Woman

Although women's lack of success in the education profession compared to men is frequently attributed to the conflict of duties as wife and parent with the responsibilities of a career, this analysis has not taken into consideration the very large percentage of unmarried women among those so employed. The American Council on Education (1969) found that 40% of women faculty had never married and 12% were separated, divorced, or widowed; in 1973, 52% were not presently married. Other studies concur that about half of all women in academe are not married. 1/

Although women who remain single and who have entered an academic career early and remained in that career without interruption have received greater rewards from the academic establishment than married women, they still have not achieved equality with their male counterparts. Of a group of persons receiving the Ph.D. in 1940 and remaining in their fields for 20 years, 85% of the men, but only 70% of the single women achieved the rank of full professor; furthermore only 46% of the married women reached that rank. 2/

Twenty-one percent of women elementary school teachers, 27% of high school teachers, 37% of school administrators and 40% of college faculty are single compared to 22% of all women in the labor force and 24% of all professional women. Thirteen percent of elementary school teachers, 7% of high school teachers, 17% of school administrators, and 12% of all college faculty are separated, widowed or divorced compared to 20% of all working women and 16% of all professional women. Thus all educators, except elementary school teachers, have a higher percentage of women who are single than other professional women in the labor force. 3/

A National Academy of Science study of Ph.D. cohorts who received degrees from 1935 to 1963 found that single women enter and remain in academe more frequently than married women, and that "at any given time, 10% to 20% more of the single than married women have achieved full professor status." Single women also progress out of the instructor ranks more rapidly than married women, but more slowly than men. 4/

It is noteworthy that the 1974 study by Centra shows there are 9% more women in the 1968 cohort who were married than in previous groups. 5/ Centra's findings suggest that the high percentage of unmarried women among the academics is on the decrease. Although about one-third have no children, childlessness among academic women also seems to be decreasing.

The Bayer 1972 data indicate that a larger percentage of women than men (12% compared to 3%) were widowed, separated or divorced. 6/

Feldman 7/ found that 70% of the divorced women graduate students had at least one child, which suggests that they had all the problems of the married women without the support of a husband.

Centra 8/ also found a higher divorce rate among the women (8% of the women and 3% of the men in the 1950 and 1960 groups, 10% and 4%, respectively, for the 1968 cohort). Women (from all three cohorts) who married before starting the degree were more likely to divorce than those (either men or women) who married later (38% compared to 14% or less).

Centra 9/ suggests some possible explanations for the higher divorce rate for women academics: "Some women undoubtedly decided to work on their doctorate after marital separation...For other women, however, the doctoral work itself or the ensuing professional commitment undoubtedly created conflicts. Having been initially established in the role of wife, or of wife and mother, the new responsibilities...can place considerable strain on family life, particularly if the husband does not support or encourage the effort." He also notes that over half (52%) of the remarried women say that their second husband has had more education than the first, and even more (59%) say that the second husband is more supportive of their careers. 10/

The Married Woman

For most men, marriage does not compete with a career, and does not produce a conflict of obligations. However, a married woman who pursues a professional career, especially if she has young children, must make some compromises, and may not be able to participate fully in the labor force while the children are young.

For young married professional women, too much happens at once. The critical years of early career development, conflict with courtship, marriage, and often the first children compete for the woman's time and energy. 11/ But beyond the competitive demands of career and family, Margaret Mead suggests that, "Each step forward as a successful American...means a step back as a woman." 12/ Women only recently have begun to question the inevitability of losing status as a woman, in order to achieve career success.

For most married academic women, the solution has been to combine the demands of career and family. Although a few women do abandon their careers, for most their careers have merely involved making adjustments: dropping out and then returning, accepting part-time work, or working full-time but retaining some control over working hours, duties, or responsibilities so time can be arranged for family duties as well. 13/

The National Education Association's survey of public school teachers for the school year of 1970-71 14/ found that while 81% of the men teachers were married, only 67% of the women were; 34% of the men, but 48% of the women had no children; 26% of the men, but only 20% of the women had three or more children. With regard to age of families, the men teachers generally had younger families. Fifty-six percent of men teachers but only 26% of women teachers had children all of whom were under 12 years of age. Conversely, 58% of women teachers had children all of whom were aged 12 or over compared to 24% of men with children.

The Bayer-American Council on Education (ACE) studies of faculty yield similar findings. Eighty-seven percent of the men but only 47% of the women faculty in the 1969 sample were married (10% of the men and 40% of the women had never married); 29% of the men, but 65% of the women had no children under 18, and 28% of the men, but only 10% of the women, had three children or more. 15/

The Centra study 16/ of men and women who had received their doctorates in 1950, 1960, and 1968, found the same kind of difference in marital status--39% of the women from the 1950 and 1960 groups and 30% from the 1968 group had never married compared to 5% and 8% of the men in the respective groups, The married women were more likely to have no children or fewer children.

The general pattern of women's careers under the pressure of marital and parental obligations seems clear enough, yet there are research findings showing that men also interrupt their academic careers without paying the penalty that women pay. The Bayer-ACE study of 1972 17/ showed that men also interrupt their careers; one-fourth of the men compared to one-fifth of the women said they had interrupted their careers for more than one year. Centra 18/ points out that during the periods in which his three cohorts were beginning their careers (1950, 1960 and 1968) three wars had interrupted the careers of the men in his samples.

Although childbearing and childrearing causes career interruptions for many women, data show that most women doctorates do work and many work full time. Astin 19/ reported that 91% of her sample of women doctorates were employed: 81% full-time and 10% part-time. Of Simon, Clark and Galway's 20/ group of women doctorates, 96% of the unmarried women, 87% of married women without children, and 59% of those with children were working full time. About 4% of married women without children and 25% of those with children were working part time. In Centra's groups, 75% of the women doctorates were working full time (65% having done so without interruption since receiving the doctorate) and 10% were working part time. 21/

Centra also reports that although the women who had children in the 1950 and 1960 cohorts were likely to put off childbearing until after the degree was earned (54% had done so), the women in the 1968 group were more likely to start their families before they attained the doctorate (67% had had at least one child before the degree was earned), and this apparently had not ended their career. 22/ Kreps 23/ notes that the median age of returning women students has fallen, suggesting that the younger educated women are not permitting childbearing and child care to interrupt their careers for as long a period as it had in the past. Mooney, 24/ though finding that sex correlates strongly with attainment of the doctorate (positively for men, negatively for women), does not find a statistical relation between marital status and attainment of the degree. Creager, examining discontinuous enrollment in graduate school, found the percentages of men and women interrupting their training were very nearly the same for both groups. 25/

NEA studies 26/ suggest that women have recently become less likely to drop out of teaching. In 1966, 26% of the women teachers had 5 to 20 years of experience; in 1971, 35% fell in that category. Yet in 1966, 17%, and in 1971, 19% interrupted service for marriage or full-time homemaking. This suggests that as many (or even more) women in teaching are marrying and bearing children, but that they are permitting their maternal role to cause fewer or shorter breaks in service. Thus, while maternity leaves are essential, more women find they can combine motherhood with their careers.

There are several ways in which women can resolve the competing demands of motherhood and work. They may have children and not work outside the home (the most"feminine" solution); they may decide not to have children and devote their primary energies to a career (the least "feminine" solution); or they may compromise, balancing the two. Fortney 27/ tested a series of hypotheses concerning the relationship between fertility and work experience on a group of faculty wives. She found that 48% of the younger housewives compared to 29% of the younger working women said that wanting to work had made a difference in the number of children they wanted. Fortney concluded that it was possible that women with more challenging positions (managerial or professional jobs) would be likely to have fewer children.

There is some evidence that women in nontraditional careers have more children than women engaged in more traditional occupations. Astin, 28/ and also a study of women graduate students at Yale, 29/, found that women in the "masculine" fields (science, medicine, law) had or planned to have more children that women in the "feminine" fields (the humanities, nursing, teaching). The assumption is that women in masculine fields may thus reinforce their femininity by bearing several children. Nonetheless, fewer women were planning to devote full-time to motherhood and more planned to combine motherhood with a full-time career. 30/

As women start to break out of sex-role stereotypes, more young women may consider the option of having no children at all. In 1971-72, studies at the University of Michigan and Stanford found about 10% of the young women in graduate school saying they did not want children. 31/

Paloma 32/ studied 53 women in dual-career professional families. Most of the women were satisfied--happy to be able to practice their professions and convinced they were also doing well as wives and mothers. Attitudinal studies show that the great majority of married, highly trained women will put the claims of their families before those of their work. However cleverly they manage both career and home responsibilities, in the case of a forced choice, the family comes first--but not necessarily to the exclusion of all other considerations. 33/

The rapid return of married women to the labor market has been increasingly evident over the past 25 years. The percentage of the work force that was female in 1950 was 32%; in 1960 it was 34%, and in 1970, 38%. 34/ In 1974, it was 41%. 35/ In the past five years another pattern has also become apparent; young women, particularly those who are highly educated, are not leaving the labor market at all (or only for very short periods after the birth of a child).

In March, 1973, the Bureau of Labor Statistics reported a labor force participation rate for all women with 5 years or more of college education which was astonishingly high. Eighty percent of young women (aged 20 to 24) were in the labor force; the percentage dropped to 75% for those aged 25 to 34 and rose again to a high of 79% for those aged 45 to 54. The same survey reported that the largest percentage of women in the labor force with children aged 17 or under, were the women with the most education. 36/

Changes in women's life patterns, particularly those of educated women, are occurring so rapidly that data may be out of date at the time they are published. It is essential that men who make decisions on women's educational careers understand the impact of these changes. Additionally, women who have interrupted their academic pursuits will need special programs to preserve their contact with the academic world.

The value of the academic atmosphere is well described by White in her study of women scholars at the Radcliffe Institute. The Institute appointments enable women to work part-time in academic and professional surroundings. One member explains, "Those of us who have moved with our husbands or left academe for child care responsibilities find it difficult to maintain contact with the profession. Often no one knows us, and the articles and books on which we are working may not be published for another three to five years." 37/ The Institute has enabled them to respond to and support each other professionally and socially. Other institutions might consider establishing similar institutions for women during the interim years before they are able to return full-time to their careers. A variety of support systems can be developed by the educational system to accommodate married women with children which assist them to continue their careers while performing the responsibilities of their socially assigned role.

Child Care

The availability of child care is of critical importance to the woman educator who wants to avoid leaving her job for long periods for childrearing. 38/

A strong case can be made for educational institutions to provide child care for their women employees. Educational institutions provide a variety of "extra" services to their employees to facilitate the performance of their duties--lounges, clubs, athletic facilities, parking lots, etc. It can be argued that the provision of child care facilities to faculty members and other employees is as appropriate a function for an educational institution as the provision of recreational facilities.

The need for child care services for academic women has been advocated by many leading authorities. For example Kayden in her report on Women and Continuing Education for the Office of Education expresses the feeling that child care centers may be a "necessary condition" for full participation of adult women in education at all levels. 39/ Graham states they would be a "great boon," since women faculty members who are mothers would have "a place where they can leave their children confident they will be well cared for..." 40/

Schmalzreid extends the need to the institutions themselves:

> "From the institution's standpoint, the availability of comprehensive child care services would reduce the complexities of arranging the faculty schedules by allowing the faculty members who are also parents to teach early morning, late afternoon, or evening classes. Parents even of small children, including infants, could thereby provide uninterrupted service to the institution." 41/

The Carnegie Commission has also urged colleges and universities to assist in the development of child care services, though not necessarily to sponsor them directly nor support them financially. 42/ Kreps reports that the median age of women returning as students has become younger, lending support to her hypothesis that "mothers are now less inclined than they were a decade ago to believe that young children constitute a bar to education or employment." She further notes that women's "current clamor" for day care centers would seem to indicate a desire to work if arrangements for children are available. 43/

Centra reports that 9% of his sample of women doctorates withrew from the labor force due to the lack of domestic help or day care for children. 44/ Astin makes a similar point; in her study of women doctorates, she found that the difficulty of securing domestic help was the single greatest drawback to women finishing their Ph.D.'s. 45/

Despite the need, the educational institutions that supply child care services are still in the minority. In a survey of 310 randomly selected senior colleges and universities, only about one in four provide some sort of child care. 46/ Although there are some exceptions--Berkeley, for example--few colleges or universities appear to be including institution-sponsored child care programs in their affirmative action plans. Of the colleges and universities she surveyed, Weitzman found that only in 10% of her sample was child care mentioned. 47/

Even where child care services are provided they rarely provide enough service to meet the need. Throughout the United States, it is estimated that only about 17,000 children are receiving child care in campus-related facilities. Children of students tend to be given priority over those of faculty. 48/

The need for child care services has also been recognized by federal agencies. While not required by any existing legislation, they are recommended by the Department of Health, Education and Welfare Higher Education guidelines. 49/ The Office of Federal Contract Compliance (OFCC) regulations similarly urge their development because their absence often has a direct effect on women's professional activities and contributions. 50/ The American Association of University women is similarly on record supporting the establishment of day care centers by educational institutions. 51/

Part-Time Employment

Another possible method of alleviating the problems of women who wish to combine their careers with their responsibilities as wives and mothers is by increasing the availability of quality part-time employment oppportunities. The part-time work offered women in educational institutions is often little better than semi-professional in responsibilities and rewards, yet women must accept it if they are to remain at all active in academic careers. Their real need is for meaningful and professional part-time work opportunities, that afford them benefits and protections comparable to those in full-time employment.

Women are already more likely than men to work part-time. The NEA studies 52/ showed that both in 1966 and 1971 about 11% of men teachers in public schools were working part-time compared to 14% of the women in 1966 and 13% in 1971. About 10% of the women doctorates studied by Astin were working part-time. 53/ The women in Centra's study 54/ had been employed part-time for about 9% of the time (compared to 1% for the men). Simon, Clark, and Galway 55/ showed part-time employment for 4% of the married women, and 25% of the married women who had children (compared to the male control group, where only 1% were working part-time). Feldman found that one of the factors that predicted the "femininity" of a discipline was the number of women enrolled part-time in it. 56/ The assumption is that women with both career interests and family responsibilities will be able to work if the workload is somewhat lessened.

It is likely, in fact, that some professional women tend to work part-time in education for a two-pronged reason: as long as their family obligations are heaviest they prefer (or can only find time for) part-time work, and educational institutions have learned to make extensive use of part-time professional employees whereas other employers have not learned to adapt to part-time schedules for professionals. Indeed, as Rossi notes 57/ it is unlikely that a professional woman in science or engineering could find part-time work except in teaching.

The pattern for part-time employment appears to permit women to avoid total or prolonged cessation of their careers, and assists them to return to work after a brief absence.

Although academic women are currently utilizing available part-time work, they are finding themselves at a disadvantage in so doing. Part-time teaching in postsecondary institutions rarely leads to tenured positions, or even to systematic promotion. Centra 58/ found that 47% of the currently employed women who had graduated in 1950 had been employed part-time for extensive periods (or had had one or more years of interruption to their careers). These women were less likely to have reached the rank of full professor, and had also published fewer books and articles.

Provision has rarely been made for these women to carry out their research interests 59/ nor are part-time workers likely to be integrated into the intellectual or organizational life of the educational institution. 60/ Part-time teaching positions for women are usually at the rank of instructor or lecturer and usually involve teaching introductory courses unlikely to lead to professional development in the field of the woman's specialization. 61/

A study (1971-72) of part-time positions at the University of Michigan 62/ showed that there were actually a considerable number of high-ranking and well-paid part-time positions; these positions, however, generally were held by men (82% on the Ann Arbor campus). Appointments as professor and associate professor were held by 41% of the part-time men, but only 7% of the part-time women. At the other end of the scale, 31% of the part-time men were lecturers and instructors compared to 79% of the women. As with other areas, it is evident that where a college or university chooses to make exceptions, it is always possible to do so; but colleges seem more willing to make these exceptions for men.

Harris calls faculty wives a "captive labor market" 63/ and Bernard calls them "fringe benefits," because they operate on the fringe of the profession, constituting "an elastic labor pool, hired and furloughed as needed." 64/ Professional women in such positions bear all the problems of nonprofessional "captive labor pools." Married women's need for part-time work provides colleges and universities with a pool of readily available, inexpensive trained womanpower. This system has severely inhibited women's opportunity for advancement in academe. The institutions obviously can use part-time employees in ways profitable to themselves. The question is whether part-time work can be made equally profitable to the women.

The Handicap of Women's Inability to Control Their Mobility

Another handicap that places the married professional woman at a disadvantage in the labor market is that her mobility is frequently dependent on that of her husband. If he moves, she usually moves with him even if she has a good position; on the other hand, she is likely to remain where her husband is employed, even if there is no suitable work for her.

The Carnegie Commission notes that men usually receive their best promotions when they can demonstrate a competing bid from another academic institution, but a married woman "cannot convincingly negotiate on the basis of another offer" unless it is clear that her husband is also considering a move. Nor is she likely to receive unsolicited offers involving a move, because it is assumed she would not be likely to accept. 65/

To the extent that she is not a free agent, the power of the married academic woman to negotiate in the labor market is limited. 66/

Centra 67/ asked his sample of doctorates whether they would find their spouse's job a deterrent to considering a job requiring a geographic move. Half the women (49%) said they would consider it a "major deterrent" compared to 4% of the men. Explaining the causes of unemployment, the women listed factors related to mobility (lack of suitable work at husband's locale, anti-nepotism rules at husband's institution) as the second most important reason (the first was childbearing) for past unemployment and as the most important reason for present unemployment.

Yet even with the mobility factor, there is evidence that women are no more "unstable" as employees than men, over the full period of their careers.

Studies in all the Michigan school districts and in the San Diego school system showed that women in their twenties did indeed terminate and transfer more often than men. For women in their thirties and forties, however, termination and transfer rates were about the same for both sexes; and for teachers in their fifties, men were somewhat more likely to transfer than were women. 68/

The NEA studies of 1966 and 1971 showed that men were slightly more likely than women to have taught in another school system "last year." Women were more likely than men to have taught in three or more school systems (32% compared to 20% in 1966, 27% compared to 19% in 1971). The decrease in the percentage of women who had taught in several systems between 1966 and 1971 though slight, is reported as significant. There is some reason to suppose, therefore, that women's mobility due to their husbands' moves may be decreasing. 69/

Zimmerman's group of women school administrators in Pennsylvania had had very stable careers. Nearly three-fourths had worked in no more than two school systems (38% in only one). The married women had moved more often than the single women, but not significantly more. Husband's change of job or residence ranked third as a reason for terminating work after childbirth/childrearing and the offer of another job. 70/

There are also several approaches to offset the disadvantages that enforced mobility inflicts on a woman's career. Many woman academics who are married are married to another academic. Increasingly there have been instances where husbands and wives are hired jointly as a team and plan their moves jointly. There are even husbands who move because wives have been offered better jobs elsewhere; or, where no alternative can be found, spouses work in separate cities.

The majority of women, however, still move if their husband's change of job requires it. It is therefore essential that educational institutions recognize that, while mobility of married women professionals in education may create problems in a woman's career, it does not appear to prevent their working or cause them to be unduly unreliable in the labor force.

B. WOMEN'S ATTITUDE TOWARD WORK

Many of the socialization patterns that men and women have taken for granted, without questioning or analyzing their roots or their validity, have contributed to women's subordinate role in education.

Sex-Role Stereotypes

By the time that women reach adulthood they have so internalized their appropriate sex role that they are unaware that many of the decisions they make about their careers are dictated by patterns that society has ingrained in them. From the beginning boys and girls are treated differently; they are taught the behavior "appropriate" to their sex by their parents, teachers and peers. By the time they are adolescents, young men and women have learned how they are expected to behave, and what they are expected to believe. Broverman et al., 71/ studied sex-role stereotypes and found high agreement among groups of different ages, socioeconomic status and education, and between the sexes on what qualities are "masculine" or "feminine." Men are aggressive, independent, objective, dominant; logical, etc. They are not emotional, easily influenced, excitable. Women are passive, dependent, subjective, emotional; not competitive, not worldly, not decisive. The first group of qualities has been designated the "competency cluster," the second "warmth-expressiveness" cluster. The qualities in the "competency cluster" are more positively valued and are seen as mostly male qualities, the "warmth" qualities as female. These sex-role definitions "are implicitly and uncritically accepted to the extent that they are incorporated into the self-concepts of both men and women." 72/

A group of 79 clinicians (46 men and 33 women) were asked to select the characteristics of a "mature, healthy, socially competent man," a similarly healthy woman, and a healthy adult (sex unspecified). The clinicians selected the male-valued stereotypes to describe the "healthy man," the female-valued stereotypes to describe the "healthy woman," and the male-valued stereotypes to describe the "healthy adult." Thus a woman could not be both a "healthy adult" and a "healthy woman." These judgments showed no significant difference according to the sex of the clinician. 73/

The sex-role stereotypes assign women a second-class, passive, nonintellectual role, or label them as "unfeminine." Shirley Chisholm reports that her sex has been a far greater handicap to her than her race, and she has found this true from her start in politics. As she summarizes, "the men made the policy and the women made the peanut butter sandwiches." 74/

Influence of Sex Stereotypes on Careers

Because children learn their sex roles so early, many women are barely aware of this as a reason for their attitudes and actions. The patterns become automatic, generating actions that are rarely questioned or examined. An internalized feminine passivity often appears to produce an unquestioning acceptance of discriminatory practices without protest.

Fidell and DeLamater 75/ note that there is a "discrepancy between women's perception of their situation and the perceptions of it by men and social scientists." In one study, women students report less discrimination than their male peers perceive; in another, women perceive discrimination to other women, but do not feel personally affected. Liss 76/ in 1974 found that 41% of the women faculty at a large university perceived little or no discrimination, though an impartial study had found major discrepancies in salary and promotion rates between men and women. She also found that those who did perceive discriminatory practices were not aware of their full extent. Her third finding was that women in the lower ranks were least likely to perceive discrimination. Women's passivity reduces their sense of injury, and with it possibly their aspiration to higher goals.

The 1968 77/ NEA study found that the principalship was the final career goal for 79% of the women principals compared to 50% of the men principals; 27% of the men but only 2% of the women aspired to a superintendent post; 14% of the women but only 2% of the men would like to return to the classroom. Theodore and others suggest that more women are interested in administrative posts than are ever appointed to them; but the anticipation of discrimination may prevent women's applying for them. 78/ The Kalamazoo study 79/ found that few people in that system applied for principalships, but the few who did were nearly always men; the study also found that more men than women apply for jobs involving a promotion--if the jobs do not involve a promotion, more women are likely to apply than men.

The data do not so much suggest that women are lacking in ambition, as that their ambitions are easily discouraged, or that they do not recognize their ability to qualify for leadership positions. But their inability to counteract their passivity is part of their socialization, not a reflection on their ability to perform the job. 80/

Women's passivity also makes them more likely to be influenced by others. The NEA 1970-71 study 81/ showed that 26% of the women compared to 11% of the men chose teaching because of the influence of their families; 19% of the women and 16% of the men chose it because of the influence of an elementary or secondary school teacher. Of women elementary school principals in the NEA study 82/ 56% sought their positions after being encouraged by the superintendent's office (compared to 17% of the men). Zimmerman 83/ found that nearly 60% of the women administrators she studied had obtained their positions after they were encouraged to apply by the central office. Bernard, 84/ reporting on a group of college teachers, found that women appeared rather tentative and modest in their career choices compared to men. External circumstances such as being advised to try college teaching by a respected teacher or counselor (39% for women; 19% for men) or being offered a college-level job (60% of women, 32% of men) had influenced them to prepare or apply for their present employment situations.

So ingrained is the sex-stereotype of passivity that women who are motivated towards success and achievement have apparently developed an escape mechanism to avoid aggression or competitiveness.

From 1964 to 1971, Horner and her colleagues, 85/ studying attitudes of young college women toward their career and personal goals, found a process at work which Horner has called the "fear of success." She discovered that intelligent, achievement-oriented women often become anxious about achieving success because "they expect negative consequences (such as social rejection and/or feelings of being unfeminine) as a result of succeeding." 86/ Young men faced with a situation showing success indicated increased striving and confidence; young women faced with a success situation seemed troubled and confused. Horner found that young women are likely to perform less well in a situation where they must compete with men than in a situation that is not competitive. Schwenn 87/ found that her group of college girls were more likely to change their goals toward less ambitious, more traditionally feminine ones, if they were faced with male competition. Young women who showed the greatest fear of success were likely to be dating young men who did not approve of careers for women; young women showing least fear were likely to be dating young men who did not feel threatened by a women's success. However, under such circumstances, there appeared to be an understanding between them that the young man was the brighter of the two. In summary, Horner feels that "the most highly competent and otherwise achievement-motivated young women, when faced with a conflict between their feminine image and expressing their competencies...adjust their behaviors to accept a role closer to their internalized sex-role stereotypes." 88/

The Horner conclusions have been questioned by later scholars. Levine and Cumrine, 89/ found "fear of success" imagery in the responses of both men and women. The men were more likely to show negative feeling toward success in a woman than they were toward success in a man. It is possible that there has been a recent increase in men's anxieties, and perhaps a lowering of women's.

Another study 90/ suggests that the attitudes of women toward successful women are more favorable than are those of men toward successful women, but that those attitudes are influenced by the environment in which success takes place. Men are less likely to resent women's success in a field regarded as appropriate to women than in one in which women's participation is seen as "deviant"; this causes women in "feminine" fields to have less anxiety about success, since they are thereby relieved of men's disapproval, and feel more comfortable in their feminine identification.

Having internalized the sex stereotypes of society, women not only estimate themselves according to their perception of appropriate women's roles but also judge other women in their work roles by the same perceptions. Women have at times denigrated other women in leadership roles. As late as 1973, a NEA survey found that few teachers, men or women, preferred a woman principal. Forty-six percent of the men and 55% of the women preferred a man principal; only 2% of either sex preferred a woman. Nevertheless, the majority of men (52%) and 43% of women expressed no preference, and those who were actually teaching under a woman principal were significantly more favorable toward a woman principal or had no sex preference. 91/

Null and Spence 92/ found that women teachers did prefer a man principal, but that older teachers with more than 10 years of experience (both men and women) were more favorably inclined toward women principals.

Roussell 93/ found that there was no significant difference by sex in evaluating department heads, although men department heads were generally perceived as having more power to form policy, and women who believed themselves to have power were seen by others as aggressive

As Howard 94/ summarizes:

> "There is evidence that women teachers do not object to working with a woman administrator; the neutral to favorable attitudes of men teachers would suggest that women have both the ability and sufficient favorable acceptance by teachers to be successful as administrators. When women are given the opportunity, they are usually able to overcome both men's and women's prejudice; but the stereotypes prevail and administrators avoid appointing a woman principal, because the staff will object to working with her."

Teaching and the Feminine-Oriented Disciplines

Teaching is one of the traditional professional occupations for women, and women select areas of concentration in their teaching which are within their perception of what is an appropriate "feminine" work role. Women seek academic settings where teaching is the primary activity: in institutions below university level, fields oriented more toward teaching than toward research, and the classroom rather than the administrator's office or the laboratory. Younger women may be beginning to break out of this pattern, but teaching is a well-established pattern for women, and the pattern is likely to persist for some time to come.

Two studies suggest that the people (regardless of sex) who go into elementary and secondary teaching do rank unusually high in two qualities generally connected with femininity: being people-oriented rather than subject-oriented, and liking work that has a "helping" aspect. Mason's 1959 study 95/ found that beginning teachers (both men and women) were much more "people-oriented" than university students; the NEA study 96/ (1970-71) showed a similar orientation. This study showed that 68% of the men and 74% of the women gave "wanting to work with young people" as an important reason for choosing teaching as a career.

Teaching, thus, is almost an ideally "feminine" career although it does attract some men with unusually high interest in working with people. For women uneasy about moving away from the most easily acceptable feminine behaviors, elementary school teaching constitutes the safest choice--comparatively free of role-conflicts and overt competition.

In postsecondary education, the choice of teaching over research or administration, and of specializing in a feminine-dominated field is a choice requiring least competition. Feldman 97/ found that women choosing the feminine disciplines were more likely to avoid competition by teaching in junior colleges, an arena which was likely to limit their opportunities.

Women are more likely to specialize in disciplines that are considered more "feminine," in fields that are most stereotyped to women's concerns. The most traditional feminine-oriented disciplines bear strong relationships to traditional feminine-role characteristics: literature and language to feminine verbal ability; school teaching, (especially elementary and preschool) to childrearing; and nursing and home economics, to nurturing and household duties.

Feldman 98/ noted that the "feminine-dominated" fields are those which were teaching oriented rather than research oriented. He also found that students of both sexes substantially agree on which fields are more "masculine" or more "feminine" and that there is a strong relationship between the stereotyped imagery of a field and the percent of women participants in it. The best predictor of the femininity of a field is the percentage of women graduate students in the fields. (Pearson correlation at .97. The percentage of women faculty has a correlation of .89.) Feldman lists 15 fields which showed a majority of women bachelor's recipients (3 tested as "neutral," 12 as "feminine"). There was a majority of women graduate students in only 10 of these fields, and a majority of women faculty in only three--library science, nursing, and home economics--three of the most strongly "feminine" fields. The feminine disciplines are also the fields that are generally believed to have the least prestige, the fewest exciting developments, and least power and financial rewards. The masculine fields have the most prestige, and are research and science oriented. 99/ As Theodore points out, 100/ even when women enter fields that are traditionally masculine such as medicine and law, they are likely to elect specialties that are considered more "feminine," for instance, pediatrics in medicine, estate management in law.

Entry into the sciences requires a solid grounding in mathematics. Even at college freshman level, a student entering without a good mathematics background may find it too late to qualify for the coursework leading to specialization in the masculine fields. Sells 101/ reports that until recently students who had not had over three years of high school mathematics had no way to qualify for the university standard calculus sequence, which was a requirement for most male-dominated fields. "Evidence is strong that the ostensible freedom of choice not to take as much mathematics as one can handle operates to close off opportunities for minorities and women." Of freshman entering the University of California at Berkeley in 1972, 36% of the women (compared to 7% of the men) had only two years of high school mathematics; whereas, only 8% of the women compared to 57% of the men had studied mathematics for three and a half years in high school. 102/

A study by Ernest 103/ of elementary and secondary school students showed that, although girls liked English and boys liked science best, there was no sex difference in liking mathematics. In freshman (1971) year at the University of California, Santa Barbara, however, 64% of the mathematics class were men and only 36% were women, although women constituted a majority of those enrolled.

Harmon's 104/ study showed women doctorates in all fields had made better grades and ability test scores during high school in mathematics and science than boys. Yet by the time of graduation from college, Feldman found that women lag behind men by 77 points on the Graduate Record Examination mathematics section. But women, whatever their original competence in mathematics, take fewer courses in mathematics and many fewer women major in courses requiring a mathematics base. 105/ Women thus are eliminated from a wide diversity of fields that increasingly require mathematics and that remain male-dominated. 106/

Women concur all too often in the stereotypes that define their behavior, and there are penalties for those who venture outside the stereotyped roles. Women who enter doctoral programs in the male-dominated disciplines are probably as feminine as any other women, but they are nontheless perceived as more masculine. 107/ Henschel, 108/ studying personality variables of women administrators, public school teachers, and university faculty, found that the administrators and university faculty scored very high in need to achieve and be dominant--they also scored low in the need to give comfort and support to others, a pattern that is more typical for men. All groups, however, rate high to very high in the feminine quality of being sensitive to others, and normal to low in need for aggression. Rossi 109/ found that women scientists are not very different from men scientists in their essential characteristics when performing their occupational role. She sees success in the sciences as requiring certain essential characteristics which do not differ according to sex: analytic ability, persistence, intellect.

With so much pressure to conform to sex-role stereotypes (pressures both from others and from their own internalization of approved attitudes), some women nevertheless manage to choose nontraditional careers and to succeed in them.

There appears to be a relationship between certain life experiences of women, and their attainment of success. Graham, 110/ investigating the biographies of women prominent in education, has found that many attended all-women high schools or colleges, where there were no men to draw the greater part of the attention of the faculty. Tidball, 111/ studying the backgrounds of women in Who's Who of American Women, found that many of them graduated from women's colleges where a greater proportion of the faculty were women. She concludes that the later success of these women was strongly related to the role models to which they had access. The finding is also susceptible of the explanation that, in the absence of men, women were permitted to undertake leadership roles in women's colleges that they rarely have the opportunity to undertake in competition with men in coeducational colleges.

Hoffman 112/ noted that daughters of women who were working and liked their work were more likely to emulate their mothers. This widened their concept of the feminine role, and made them more ready to approve of women's employment for themselves and others. A replication of the study 113/ found that college-educated women who planned to combine motherhood and a career came most often from homes where the mother had successfully combined the two roles. Other studies 114/ have shown that women who do aspire to "non-feminine" careers are likely to be the daughters of educated employed women.

Black Women

Epstein 115/ finds that Black women professionals are less tied to to the stereotypes of "proper" feminine behavior. Their race puts them outside the mainstream of majority expectation; but also the tradition of the Black woman as the strong, competent wife-mother-working woman has sustained and encouraged new generations of Black women. An unprecedented proportion of the mothers of women in her sample of Black professional women had been professional or semi-professional workers; fewer than 15% of the mothers of the Black women studied had not worked.

Perhaps because of the example of the strong woman as mother, Black women appear to have more confidence in their own abilities, less self-distrust and less distrust of other women that seem so common in White women. They think of their work realistically, are interested in economic rewards, and do not regard their work as secondary or their incomes as supplemental. In these attitudes, they are more independent than their White counterparts. 116/

C. MEN'S ATTITUDES TOWARD WOMEN

Men also internalize their sex role stereotypes, and have had little incentive to reject these stereotypes.

Mason et al. 117/ wrote of women teachers in 1959, "Although there is a minority of women . . . who have strong commitments to their jobs, most women enter the occupational world only as a short adventure between school and marriage, or else they work as a means of supplementing the family income." It is almost impossible for women to assert their right to be accepted as serious professionals against such certainty of their lack of dedication to their careers.

The small number of women in influential positions in most college departments not only discourages young women from careers in postsecondary education, but may also reinforce men's views of women's limited potentialities. 118/ Theodore 119/ reports such complaints as "people are quite obviously not used to having a woman around except in secretarial status." Thus, majority status plus habit results in strong pressures by the men to assure that women will not intrude on patterns that are established, comfortable--and male.

Much the same situation obtains in the public school systems. Established male administrators have difficulty seeing the issue of sex discrimination as a genuinely important concern. 120/

Men faculty members often find it difficult to accept women as colleagues--as equals in expertise, as people with similar interests in the concerns of the institution they both serve. They find it awkward to develop strong platonic friendships with women; they may find it confusing to have to react to a woman both as a fellow worker and as a woman. 121/

The attitudes of men constitute a continuing problem for women attempting to achieve equality in educational institutions. No injustice may be intended, but men faculty are so accustomed to thinking of women in their conventional feminine roles, that they have trouble accepting them as professional equals. As Bunting says, "Many older men have not been required to deal equally with women since their college days." 122/

Ruth Benedict, the eminent anthropologist, taught as a lecturer with little, sometimes no, pay for years. Not until she and her husband separated did Franz Boas, the head of her department, realize she had a claim to status and income. 123/ Maria Goeppert Meyer, the Nobel laureate in physics, when she first came to this country taught as a "volunteer lecturer," so she could have "the fun of doing physics." 124/

The difficulty of recognizing women as equals does not create a problem when men professors appoint young women to junior and subordinate positions, but it makes it very difficult for them to appoint mature women to positions equivalent to their own. 125/ This attitude by men accounts in part for the reason why more women are hired than promoted.

Such attitudes among male faculty act to deprive academic women of true collegial status and remove women from the debate, support, and interplay of ideas that lead to valuable associations and advancement in academic life. This is especially true in the sciences, where, as Sir Alfred Edgerton has said, "Of the total information extant, only part is in the literature. Much of it is stored in the many brains of scientists and technologists," 126/--and to which women are likely to have limited access.

Theodore 127/ questioned 65 academic women known to be active in the movement for equity between men and women in the universities. She reports that they found that reasoned arguments often met with scant response, and that more forceful or public complaints have been met with "secrecy, doubletalk, delaying tactics..." or even "outright deceit and intimidation."

Taylor 128/ found that her sample of Connecticut school superintendents and school board members had no problem with women being appointed as administrators in the school system except for two positions, as secondary school principals and as school superintendents, where the proportion of superintendents (almost all of them male) supporting equal appointment of both sexes dropped significantly.

Komarovsky 129/ studied a group of young college men and found that attitudes are changing. Intelligence is no longer considered unfeminine, and a few of the young men admit that their girl-friends are brighter than they are.

But the changes that are occurring have not remade the world, and, so far, have touched comparatively few lives. King, 130/ studying vocational educators in community colleges notes that for this group it is a "myth that the traditional role of the modern professional woman is changing."

The sex stereotypes prevailing in society have deeply affected both women's attitudes toward themselves and men's attitudes toward women. The result has been to limit women's ability to grasp their full share of employment and promotional opportunities in educational institutions. The stereotypes will not yield easily, especially for adult women whose patterns of responding to challenge and competition are already established. But there are many evidences that women are already attacking their own concepts of sex stereotypes in the same way that women's life and work patterns are responding to change. Men with less reason to change, have been moving more slowly. Because men control the institutions, discriminatory employment practices are not likely to be eliminated readily or quickly. Women are unlikely to achieve equality on their own. The federal government, the laws, and the court decisions have dictated equality of employment opportunities in educational institutions. What is needed is for the educational institutions, the federal agencies, and the men who administer them to respond to the challenge.

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X. LEGISLATION/REGULATIONS/EXECUTIVE ORDERS

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There are three federal laws and one Executive Order that impact employment practices affecting women employed in educational institutions: Title VII of the 1964 Civil Rights Act, the Equal Pay Act, Title IX of the Educational Amendments of 1972, and Executive Order 11246 as amended by 11375. Additionally, there are numerous state laws and local ordinances which also cover sex discrimination in employment.

While many of these laws have been in effect for a number of years, it is only through recent amendments that they have become useful to women employed in educational institutions. Sex discrimination guidelines under the Executive Orders were not issued until 1970. Only after the 1972 amendments did Title VII cover state and local public employees and employees of institutions of higher education. The year 1972 also saw the passage of Title IX, the amending of the Equal Pay Act to cover executive, administrative and professional employment, and the extension of the U.S. Commission on Civil Rights jurisdiction to include sex discrimination.

A. TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 AS AMENDED 1/

This section of the Civil Rights Act is administered by the Equal Employment Opportunity Commission (EEOC), an independent Commission whose five commissioners are selected by the President with the advice and consent of the Senate. The law covers all employers with 15 or more employees (with certain limited exceptions). The 1972 amendments to the Act brought within the jurisdiction of EEOC the major educational employers consisting of 1) all public employers, including elementary and secondary school systems and public higher education institutions, and 2) private institutions of higher education.

Title VII makes it unlawful to discriminate against an individual in hiring and firing, or with respect to compensation, terms, conditions or privileges of employment, because of the individual's race, color, religion, sex, or national origin. EEOC guidelines have interpreted the Act broadly and represent one of the most significant contributions toward combating employment discrimination. Perhaps the most important guidelines are those on hiring and promotion criteria. Criteria must be spelled out in objective terms. Also, criteria which may be neutral on their face, but which adversely affect women or minorities, are unlawful unless the employer can demonstrate that the skills measured by the criteria are actually necessary in the performance of the job; i.e., the criteria must be bona fide occupational qualifications (BFOQ). The requirement that criteria be spelled out and shown to be job-related is a central issue in sex discrimination in educational institutions. The Guidelines are also strict in regard to the kinds of employment tests an employer may use, requiring that they be validated to show that they measure skills actually needed on the job. 2/

EEOC's sex discrimination guidelines state that sex should rarely be accepted as a BFOQ, forbid discrimination because of marital status, require pregnancy to be treated as a temporary disability, forbid discrimination in fringe benefits, and cover other areas of sex discrimination. 3/ EEOC's guidelines have consistently been upheld by the federal courts.

EEOC does not have the authority to issue cease and desist orders on complaints filed with it. For individual or class action complaints filed with it, EEOC has the power to investigate, determine whether a reasonable case for discrimination exists, and to seek to conciliate the case. If conciliation cannot be achieved, EEOC may either take the case to federal court on behalf of the complaint or issue a right to sue letter, which authorizes the complainant to file a private action in federal court. Since EEOC has limited capacity to go to court, most complainants are left to their own devices and must find private attorneys willing to handle their cases. 4/

However, private suits filed in federal court, particularly class actions brought by public interest organizations such as the Women's Equity Action League or National Association for the Advancement of Colored People, have established important precedents on employment discrimination (e.g. Wetzel, Griggs, Albermarle) and represent perhaps the most effective use of anti-discrimination laws. Under Title VII, the courts have broad lattitude for shaping remedies when they find discrimination: enjoining discriminatory hiring or fringe benefit practices and discriminatory employment tests, ordering back pay to victims of discrimination, ordering preferential hiring to correct prior discrimination, reordering seniority systems, ordering employers to develop and carry out affirmative action plans, etc. 5/

In addition to acting on individual complaints, EEOC has the authority to initiate pattern and practice cases against discriminatory employers. With this authority EEOC may raise as issues the entire range of discriminatory practices engaged in by an employer or group of employers. The authority is similar to that of the Office of Federal Contract Compliance (OFCC) and the Office for Civil Rights (OCR) to conduct compliance reviews, in that it has broad scope and can be initiated by EEOC without waiting for a formal complaint. The remedies available to EEOC through settlement or through the courts, are much more flexible using this tool than those available to OFCCP or OCR. Where used (e.g., the ATT case; see Chapter XI, Court Cases) it has proven to be the single most effective weapon in across-the-board challenges to discriminatory practices.

However, use of this tool has been handicapped, and Congressional pressures have forced EEOC to concentrate most of its resources on eliminating its backlog of cases, with a resulting deemphasis on the EEOC-initiated pattern and practice cases. 6/ More encouraging, however, are statements in a Special Report submitted by the EEOC to the Senate Labor Committee in October 1975, which indicate an end to this policy. The report indicated EEOC intends to devote more of its resources to handling systemic forms of discrimination and to put less emphasis on processing individual charges. For instance, in FY 1975, EEOC allocated 85% of its resources to handling individual complaints and the remainder to eliminating systemic discrimination. By FY 1977, the Commission expects the allocation ratio to be 70% for individual charges and 30% for systemic job bias. 7/

State and local Fair Employment Practices Commissions (FEPC's) are now funded by EEOC to handle some of its backlog, and this system is working very well in certain states and local communities, poorly in others. However, the backlog is so large that prompt elimination is not likely to be possible. According to EEOC testimony, Commissioner Powell stated (in August 1974) that 1,600 individuals have filed complaints against academic institutions. 8/ EEOC investigations of universities are particularly time-consuming and there have been complaints that colleges and universities are more difficult to deal with than any other industry. Higher education cases have not been on EEOC's priority list. 9/ It is logistically impossible for EEOC to settle all the higher education cases that are already before the Commission in a reasonable time. It now takes EEOC almost two years to process a complaint once it is filed. (To process a case means either to reach a settlement between the parties, take it to litigation, or turn the case over to the complainant to pursue through private litigation, if the complainant can afford an attorney. It does not include the time it takes in court, or on appeal until a final decision is achieved. 10/) EEOC's record of conciliations is not good (particularly compared to that of the Department of Labor (DOL) under the Equal Pay Act), and this is not likely to change as long as EEOC has no cease and desist power of its own and only very limited resources to take cases into litigation. 11/

Since it is not likely that EEOC will have a staff adequate to overcome its huge backlog for some time, cases referred to it are likely to require an extremely long time in processing. Many women who file individually also file jointly under Title VII and other legislation.

However, the commitment found in EEOC coupled with the potential of EEOC-initiated pattern and practice cases, the judicial weight that has been given to EEOC's strong Guidelines, and the right under Title VII to bring private suits in federal courts, make EEOC an important agency for obtaining equal employment rights for women.

B. THE EQUAL PAY ACT OF 1963 12/

The Equal Pay Act prohibits discrimination in wages or fringe benefits based on sex. An employer of 15 or more persons must pay equal wages to men and women for equal work. Under the Act, work does not have to be identical to be equal; jobs that require substantially equal skill, effort and responsibility and have similar working conditions are considered equal. The 1972 Amendments brought executive, administrative, and professional employees under its coverage. The Act is administered by the Wage and Hour Division of the Employment Standards Administration in the Department of Labor.

Equal Pay handles both individual and class actions and accepts complaints. The agency conducts investigations and determines if the law has been violated. If violations are found, the agency seeks conciliation by endeavoring to reach agreement with the employer to refrain from further violations and to pay back wages to women who have been inequitably treated. If the employer does not conciliate, the agency can go to court on behalf of the employees to seek the necessary relief. Employees may also file private suits for back pay and other damages. 13/

Equal Pay has many advantages. Since both the institution and the complainant are covered by relative anonymity, the educational institution has frequently been more willing to settle to avoid publicity. Unless court action is necessary, the complainant's and the institution's names need never be revealed. (This is also true for Title VII complaints.) The staff is larger than most of the other civil rights staffs, and therefore they have a smaller backlog. They are expert in special analyses of salary structures and are well informed as to the pay issues in academe. When a review is conducted it almost always covers the entire institution. On completion of the review the employer is asked to make adjustments at once, and since over 90% of the cases are settled without litigation, 14/ results are likely to be faster than with other civil rights agencies.

This is the only civil rights agency without an extensive backlog, although the caseload in recent years has increased. Their success rate has been excellent compared to other civil rights agencies. However, many educational discrimination problems will range beyond the jurisdiction of the Equal Pay Act. 15/

C. EXECUTIVE ORDER 11246 AS AMENDED BY 11375 16/

Executive Order 11246 has included coverage of sex discrimination since October 1968 when it was amended by Executive Order 11375. The Executive Order requirements are based on the contractual relationship between the federal government and employers holding contracts with the federal government. As a condition of doing business with the federal government, the employer is required to meet a higher standard than that imposed on employers in general by Title VII. Under the Executive Order, all employers with federal contracts in excess of $10,000 must agree, as a condition of the contract, to take affirmative action to 1) eliminate all discriminatory practices against women and minorities, and 2) to eliminate, through the establishment of goals and timetables, any underutilization of women or minorities in their workforce--whether or not the underutilization results from prior discriminatory practices. 17/ The federal courts have consistently upheld the right of the government to impose these special obligations on its contractors. 18/

All covered contractors must review their employment practices to insure that none are discriminatory, as defined in the regulations issued pursuant to the Executive Order. The Regulations are similar to those of EEOC's, covering discrimination in hiring, promotion, recruitment, fringe benefits, and requiring performance criteria to be job-related (though in some instances their regulations are not as strong as the Title VII regulations, e.g., their reguations on fringe benefits do not require that pregnancy be treated in the same manner as any other temporary disability, while EEOC's regulations do.) 19/

Employers with contracts in excess of $50,000 must, in addition, develop and maintain an affirmative action plan (AAP). The plan must set out the steps an employer is taking to eliminate discriminatory practices. Most importantly the AAP must set out the specific steps the employer is taking to eliminate the underutilization of women and minorities in its workforce, including the establishment of numerical goals and timetables--the number of women and minorities it must hire or promote to eliminate the underutilization, and the time period within which it will achieve the stated goals. Employers are evaluated on their good faith effort to meet these goals. Employers receiving contracts in excess of $1 million must have their AAP's audited and approved prior to the issuance of the contract. 20/

The Office of Federal Contract Compliance Programs (OFCCP, formerly OFCC) in the Employment Standards Administration of the Department of Labor has overall policy responsibility for the Executive Order. Enforcement is carried out through contract compliance offices in the various federal agencies, each of which has been assigned responsibility over certain areas of industry. 21/ The Office for Civil Rights (OCR) in the Department of Health, Education, and Welfare (HEW) has specific responsibility for insuring compliance by all educational institutions. Its sanctions against non-complying institutions include the authority to suspend, cancel, or terminate contracts and to bar a contractor from receiving any federal contracts in the future. 22/

While some elementary and secondary schools systems are covered by the Executive Order, a large percentage of postsecondary institutions are covered and the focus of OCR has been almost completely on enforcement of the Executive Order against postsecondary institutions.

D. TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 23/

This new legislation has been in effect since July 1, 1972; and covers sex discrimination in student admissions, treatment of students, and employment of faculty for all educational institutions receiving federal monies from a grant, contract, loan, student scholarship, etc. Through this legislation almost every educational institution--elementary and secondary as well as postsecondary--is explicitly prohibited from engaging in sex discriminatory practices. The Act is administered by the Office for Civil Rights in HEW. 24/

The employment provisions of Title IX cover sex discrimination based on hiring, upgrading, promotion, consideration for and award of tenure, demotion, transfer, layoff, termination, application of nepotism policies, right of return from layoff, and rehiring. Under the Title IX regulations, covered educational institutions are required to conduct self-evaluations to determine if their practices are in compliance with the regulations. If they are not in compliance, the institution is required to modify its practices and take remedial steps to eliminate the effects of prior non-compliance. Copies of the self-evaluation do not have to be sent to HEW. In addition, Title IX does not require an institution to develop an affirmative action plan. 25/

The main import of the Act is that it permits HEW to investigate discrimination and compel its elimination on the basis of the financial relationship between the federal government and the institution; it does not have to wait until a complaint has been filed. It is not yet clear how OCR plans to enforce these requirements since final procedural regulations have not been promulgated. Procedural regulations for Title VII of the Civil Rights Act will be utilized on an interim basis. 26/ At this point, it appears that OCR will conduct periodic reviews of institutions to inspect their self-evaluations and determine if discriminatory practices exist. If OCR finds discrimination during such reviews, it is authorized under the regulations to order such remedial action as is necessary to overcome the effects of such discrimination. If discrimination is found, an Affirmative Action Plan may be required. 27/

Because the final Title IX regulations were not issued until August 1975, three years after passage of the Act, it is too soon to determine how or how rapidly OCR will move to initiate reviews or investigate problems; whether they will concentrate on institutions of higher education where most complaints have been forthcoming; or whether they will examine discriminatory employment practices in elementary and secondary schools, as well as complaints in post-secondary institutions such as junior colleges and technical institutions.

An examination of the legislation governing sex discrimination and court decisions (see Chapter XI - Court Cases) issued pursuant to these laws, leads naturally to the question of how effectively the legal authority is being implemented by the responsible enforcement agencies of the federal government. A study of discriminatory employment practices on the basis of sex in educational institutions is not complete without a full-scale analysis of the role of the administrative agencies in guaranteeing enforcement of the several Acts, the Executive Order, and their respective regulations. Such an analysis was not included within the scope of the contract supporting this study. In the course of the literature review necessary for the preparation of the entire report, however, the author did review a range of literature which discussed the administrative implementation of the law and the court decisions. 28/ This review leads to the very strong recommendation that such an in-depth analysis be undertaken immediately. (See Chapter XII.)

FOOTNOTES

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2. Equal Employment Opportunity Commission Guidelines on Discrimination Because of Sex, Part 1604 (1972).

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7. Report by EEOC Chairman Lowell W. Perry to Senate Labor Committee on the Commission's Current Status and Projected Improvements, October 1975, as reported in Fair Employment Practices, Summary of Latest Developments, October 30, 1975.

8. Powell, Statement, *Hearings*, Special Subcommittee on Education of Committee on Education and Labor, House, Part 2A, 1974.

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10. U.S. Commission on Civil Rights, *Federal Civil Rights Enforcement Effort-1974*, January 1975.

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12. Equal Pay Act of 1963 as amended by the Education Amendment of 1972 (Higher Education Act) 29 U.S.C. 201 *et*. *seq*.

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14. Sandler, Statement, *Hearings*, Special Subcommittee..., Part 2A, op. cit.; confirmed by Edith Barnett, Attorney, Assistant Counsel for Trial Litigation, Division of Fair Labor Standards, Office of the Solicitor, Department of Labor.

15. Information confirmed by Barnett, cited above.

16. Executive Order 11246 as amended by 11375.

17. Regulations issued pursuant to Executive Order 11246, 41 C.F.R. 60-2.

18. The Contractors Association of Eastern Philadelphia v. Schultz - CA 3 (1971), 3 FEP Cases 395, 442 F 2d 159.

19. OCR Regulations op. cit.

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21. OFCC Regulations

22. OCR Regulations op. cit.

23. Title IX of the Education Amendments of 1972 (Higher Education Act), 20 U.S.C.1681 et. seq.

24. Regulations issued pursuant to Title IX, 45 C.F.R. 86.11, 86.3

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27. Ibid.

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XI. COURT CASES

XI. COURT CASES

The courts have just begun to explore the variety of issues involved in sex discrimination in employment by educational institutions, and the case law is developing slowly. However, the courts appear to be moving ahead in the same creative and forceful manner they showed in their decisions on racial discrimination. Since the bulk of the sex discrimination cases have been filed only during the past few years, most of the key decisions have so far been made at the lower and appellate court levels. The trend of the decisions on the protection of women's rights has been positive, to date.

The major question still outstanding is whether the Supreme Court will follow the appellate courts (and its own history in matters of racial discrimination) in taking a strong stand against sexually discriminatory employment practices. The record of the Supreme Court on sex discrimination is mixed, and no clear philosophy has yet emerged on this subject. The next few years will be the critical ones as the cases now working their way through the lower courts begin to appear on the Supreme Court docket.

Development of case law in this area has been complicated by the fact that the case law has been developed along two different legal paths--under Title VII of the Civil Rights Act and under the 14th Amendment to the Constitution. Until 1972, employees of the state and employees of institutions of higher education were not covered by Title VII. Since this excludes most educational employees, their primary recourse on sex discrimination in employment was to the 14th Amendment, and in fact many of the early precedents, e.g., La Fleur, were decided on 14th Amendment grounds of due process and equal protection. It is only since the passage of the Title VII Amendments in 1972 (bringing both public employees and institutions of higher learning under the Act's coverage) that the full force of EEOC guidelines has been brought to bear on the problems of sex discrimination in educational institutions, and most of the cases now working their way through the courts are Title VII cases--e.g., Wetzel, General Electric, etc.

A. SPECIFIC ISSUES

1. Fringe Benefits

The most definitive statements by the higher courts on sex discrimination in employment practices have been in the area of fringe benefits. Primarily the cases have been challenging the unique and punitive manner in which fringe benefit policies treat pregnancy; this includes forced maternity leave, and the refusal of health insurance, income support, and leave policies to consider pregnancy as a temporary disability.

In La Fleur (all cases cited here are annotated in Section C. of this chapter) the Supreme Court struck down as violative of the 14th Amendment, fixed-date mandatory leave policies which forced women employees to take leave at an arbitrary point during pregnancy (e.g., after the 4th or 5th month).

Since then, a number of Circuit Court decisions have ruled against the separate treatment of pregnancy in health insurance and leave policies (e.g., Wetzel vs. Liberty Mutual Insurance Co. and Gilbert vs. General Electric). Those cases held that failure to treat pregnancy in the same manner as any other temporary disability discriminates against women, in violation of Title VII.

It remains to be seen whether the Supreme Court will follow these later decisions. Some doubt has been raised by that Court's decision in Geduldig, which found that the failure of California's disability insurance plan to cover pregnancy was not violative of the 14th Amendment. However, the Circuit Courts have all interpreted Geduldig narrowly--as a 14th Amendment case that does not bind the lower courts on fringe benefit cases brought under Title VII. It is possible, therefore, that Geduldig will not be the major barrier to progress in the area of fringe benefits and sex discrimination that was originally feared. The Supreme Court has agreed to hear one of the Title VII fringe benefit cases (Wetzel) during the 1975-1976 court session, so an answer to this question should be forthcoming by mid-1976.

2. Hiring, Promotion, and Testing Qualifications

There have not yet been any major decisions on hiring, promotions, or testing based on sex. However, there is every indication that the courts will apply to sex discrimination cases the same far-reaching principles that have been established in the race cases--Griggs, Albermarle, etc. In determining whether sex discrimination exists, the courts have already indicated that they will give great weight to statistics showing that an employer has a lower percentage of females than are present in the availability pool (Johnson). They will evaluate hiring criteria to determine if seemingly neutral criteria serve inordinately to disqualify women. They will also examine hiring procedures and consider how closely an employer adhered to these procedures when making hiring decisions (Johnson).

One area that is still unclear, however, is how far the courts will be willing to go in examining the employment qualifications used by institutions of higher education, particularly the Ph.D. as a selection criterion. A review of existing cases indicates that, because of concerns over academic freedom, the courts might be reluctant to probe too deeply into the ways universities choose their professors (Faro v. N.Y.U.; Labat v. N.Y. Board of Higher Education). However, one important factor in both Labat and Faro was that the plaintiff's factual evidence was weak. In contrast, in Johnson v. University of Pittsburgh, a case with stronger factual evidence of sex discrimination, the court was not reluctant to explore university decision-making. Therefore, it is possible that the strength of the factual evidence will be the primary determinant of how far a court will be willing to go in examining the question of faculty appointment procedures. However, that concern does not seem to be an issue at the secondary school level. The courts have been willing to challenge hiring criteria for secondary school principals, teachers, and administrators where they result in racially discriminatory practices and cannot be validated under the standards set down in Griggs and its progeny (Chance v. N.Y. Board of Examiners, etc.).

3. Sex as a Suspect Classification

The Equal Protection Clause of the 14th Amendment does not require that a government treat all persons alike. There are numerous situations in which putting persons into different classifications is legally valid (e.g., making only poor persons eligible for welfare). However, the courts have said that there are certain classifications which are "suspect" (e.g., race). The presumption is that there are no valid governmental purposes in treating people differently because of their race, and any governmental classification based on it is, therefore, "suspect." The courts impose a very heavy burden of proof on a government seeking to use a suspect classification as a basis for treating people differently.

A major objective in sex discrimination cases has been to achieve the designation of sex as a suspect classification, so that any governmental distinction based on sex would be subjected to rigorous review by the courts. However, the cases have not yet produced a definitive decision. In Reed v. Reed, La Fleur, and a few other cases, the Supreme Court seemed to be headed in that direction. However, in more recent cases such as Kahn v. Shevin and Geduldig, the Court has appeared more reluctant to find sex to be a suspect category, and attorneys are predicting that the going will be even harder in future cases.

The inclusion of higher education institutions and public employees under Title VII of the 1972 amendments to the Civil Rights Act makes all cases on employment practices already decided under Title VII apply to all educational institutions. This reduces somewhat the problem faced by women because of unfavorable decisions under the 14th Amendment on employment discrimination based on sex. However, for any case where Title VII does not apply, the issue of sex as a "suspect" classification is still a critical one. If the Equal Rights Amendment were to pass, it would constitutionally prohibit almost all classifications based on sex and would thereby make moot most of the concern over the court's interpretation in regard to sex as a suspect classification, under the due process clause of the 14th Amendment.

4. Title VII Cases

Unlike 14th Amendment cases based on sex, Title VII cases based on sex have been well received by the courts; judicial action on sex as well as on race cases under Title VII continues to be among the most far-reaching and creative judicial efforts in the history of American courts. Title VII judicial enforcement appears to be the single most effective approach for challenging discriminatory employment practices based on sex. This is true for the precedent-setting cases brought by private individuals, such as Wetzel and G. E. on issues of sex discrimination, and Griggs and Albermarle for race cases whose principles are now being carried over to sex discrimination. It is also true for cases initiated by EEOC under its pattern and practice authority. The most famous of those EEOC cases is the AT&T case, which benefited both women and racial minorities. That case, which forced AT&T to pay over $30 million in damages to victimized employees, has probably had a greater impact on persuading employers to correct discriminatory practices than any other federal action in the area of employment discrimination.

5. Other Remedies

The courts have consistently held that an individual has no judicial right of action under Executive Order 11246. Therefore, while the language of the Order is strong, the only relief available to women injured by violation of the Order is through the administrative processes of the Office of Federal Contract Compliance Programs and Office of Civil Rights.

The one area of judicial relief for individuals on the Executive Orders and Title IX is to sue the responsible agencies for failure to carry out their responsibilities under those Acts and Orders. Such a suit, WEAL et al. v. Weinberger, was filed in December 1974 by the Center for Law and Social Policy against OFCC (now OFCCP) and OCR for failure to enforce the employment aspects of the Executive Orders, Title IX, and Titles VII and VIII of the Public Health Act (covering nurses' training) as they apply to women. The suit is specifically focused on non-enforcement in regard to educational institutions. The case is still in the preliminary stages and no rulings on it have been made. However, there is clear precedent for such a suit: Adams v. Richardson successfully challenged OCR's failure to enforce public school desegregation requirements against institutions which received federal funds. In Adams, the court ordered the Department of Health, Education, and Welfare and OCR to take more vigorous enforcement actions and retained jurisdiction in order to monitor the agencies' activities. If the present suit on sex discrimination is equally successful, it could have important implications for OFCC's and OCR's activities, though some of the impact will largely depend on whether those agencies are given the resources necessary to fully carry out their obligations.

One other judicial remedy that has emerged for women charging employment discrimination against educational institutions is the set of post-Civil War civil rights statutes--42 USC 1981, 1983, etc. These acts forbid discrimination by state and state-related agencies. While the original intent of these statutes was to remedy racial discrimination, some courts have been willing to apply them to discrimination based on sex (Rackin). One of the advantages of these statutes is that they do not involve the cumbersome procedural process and time limitations required in Title VII cases.

B. SUMMARY OF ENFORCEMENT OF PROHIBITIONS AGAINST SEX DISCRIMINATION IN EMPLOYMENT

While the legislation and regulations in the area of sex discrimination in employment is extensive, covering almost all women employed in education, the results have been much less extensive; and some very basic problems still remain for women seeking relief from sex discrimination by the educational institutions at which they are employed. While several of the Acts give women the right to take their grievances to court, other Acts and Orders give sole jurisdiction for remedying sex discrimination to federal agencies. The courts have demonstrated in the area of employment discrimination, that, when given jursidiction, they have been a strong and progressive force in attacking discriminatory practices.

Until better remedies are provided for many of the Acts and the Order, the breadth of the Acts and Order cannot be relied upon to provide relief to women who have been subjected to discriminatory employment practices that are illegal under those Acts and Orders without court assistance.

C. ANNOTATED CASES

The following section contains annotations of court cases which are relevant to sex discrimination against women employed in educational institutions. Because of the present sparsity of cases in this area, not all of the cases involve sex discrimination or educational institutions. However, all of these latter cases are either precedent-setting cases in the area of racial discrimination with direct applicability to employment discrimination based on sex, or are cases in which the courts have clearly set out principles inherent in the various employment discrimination laws and have shown how those principles are applied to a specific situation. Therefore, in reading these cases, their direct transferability to similar employment problems faced by professional women in educational institutions should continually be kept in mind.

1. Fringe Benefit Cases

Cleveland Board of Education et al., v. Jo Carol La Fleur et al. and Susan Cohen v. Chesterfield County School Board et al., Supreme Court of the United States, 94 Sup. Ct. 791, January 21, 1974.

In a joint decision on these two cases, the Supreme Court held that school board policies of a) requiring mandatory maternity leave at an arbitrary date prior to childbirth, and b) forbiding a teacher to return to work prior to a specified period after the birth are arbitrary and irrational and, therefore, violate the due process clause of the U. S. Constitution.

The school boards' policies required every pregnant teacher to begin mandatory leave without pay a fixed number of months before the birth of her child (5 months in Cleveland, 4 months in Chesterfield County). Cleveland also prohibited a teacher from returning to work until the beginning of the next regular semester after her child attained the age of three months. The justification for the policies were a) the need for continuity of instruction, and b) the need to have physically capable teachers in the classrooms at all times.

The Court rejected the boards' arguments finding that the teachers' interests at stake included "a right to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child. By acting to penalize the pregnant teacher for deciding to bear a child, overly restrictive maternity leave regulations can constitute a heavy burden on the exercise of these protected freedoms." While continuity of instruction is a valid state interest, an arbitrary leave date in no way insured such continuity since, "continuity would seem just as well attained if the teacher herself were allowed to choose the date upon which to commence her leave, at least so long as the decision were required to be made and notice given of it well in advance of the date selected." Such a policy would impose "a far lesser burden on the women's exercise of constitutionally protected freedom."

Geduldig v. Aiello, United States Supreme Court, 94 Sup. Ct. 2485, 1974.

In Geduldig, the Supreme Court upheld the California disability insurance program, even though health benefits for disabilities related to normal pregnancies were excluded from its coverage. The challenge was based on the Equal Protection Clause of the 14th Amendment and not on Title VII of the Civil Rights Act. The Court held, "We cannot agree that the exlcusion of this disability from coverage amounts to invidious discrimination under the Equal Protection Clause."

The Court felt the exclusion of pregnancy from the disability plan was justified on the grounds that a number of valid state interests were involved, including: a) the desire to keep the contribution rate low and the program self-supporting; b) that a state, in creating a program for the social good, does not have to deal with all problems at once, but can select those areas it considers most important, so long as the basis for selection does not constitute invidious discrimination.

The Court's reasoning on why the pregnancy classification does not constitute invidious discrimination is contained in the key footnote in the case. In it the Court stated, "While it is true that only women can become pregnant, it does not follow that every legislative classification concerning pregnancy is a sex-based classification.... The program divides potential recipients into two groups--pregnant women and non-pregnant persons"--with the first group exclusively female and the second including "members of both sexes." "Absent a showing that distinctions involving pregnancy are mere pretexts designed to effect an invidious discrimination against the members of one sex or the other, lawmakers are constitutionally free to include or exclude pregnancy from the coverage of legislation such as this on any reasonable basis, just as with respect to any other physical condition."

Wetzel v. Liberty Mutual Insurance Company, U.S. Court of Appeals, Third Circuit (Philadelphia), 9 FEP Cases 227, February 12, 1975. (Related Case--Gilbert v. General Electric, U.S. Court of Appeals, Fourth Circuit (Richmond) 10 FEP Cases 1201, June 27, 1975.)

In the most significant case so far on the issue of sex discrimination in fringe benefit policies, a U.S. Court of Appeals held that a private employer violated Title VII of the Civil Rights Act by excluding pregnancy benefits from its income protection plan and by requiring pregnant women to return to work within three months after delivery or face termination. It is the most important decision so far to hold that pregnancy must be treated in the same way as any other temporary disability. A similar decision was handed down by the Fourth Circuit in Gilbert v. General Electric.

The Income Protection Plan

The Company's income protection plan (to which the employees contributed) did not pay any benefits for disability due to pregnancy or for any disability related to it. It justified this policy on the grounds that a) pregnancy was a voluntary condition; b) pregnancy was not a sickness, and c) covering pregnancies would cost too much. The Court rejected all three arguments.

The Court held that "voluntariness is no basis to justify disparate treatment of pregnancy." On the one hand, pregnancy may not be voluntary. On the other hand, other voluntary disabilities--injuries resulting from sports, drinking, etc.--were covered by the plan.

The purpose of the income protection plan was to help employees through financial difficulties caused by the loss of income and incurrence of medical expenses that arise from the inability to work. From this perspective, pregnancy is no different from any other temporary disability. "...An income protection plan that covers so many temporary disabilities but excludes pregnancy because it is not a sickness discriminates against women." Nor is cost a defense under Title VII.

Maternity Leave

The defendant company permitted a woman to take maternity leave but she was required to return to work within three months from the date of delivery or lose her job. This time limit applied only to maternity leaves and not to temporary disability leaves. The Court found this policy to be discriminatory also. "In essence Liberty Mutual has two leave policies--one for pregnancy and one for other temporary disabilities. Since pregnancy is a disability common only to women, to treat it differently by applying a separate leave policy is sex discrimination. Discrimination based on stereotypes or overly categorized distinctions between men and women are forbidden by Title VII."

2. Hiring, Firing, and Testing Cases

Griggs v. Duke Power Company, U.S. Supreme Court 1971, 401 U.S. 424, S. Ct. 849, 28 L. Ed. 158 (1971).

Griggs is the leading case, under Title VII, prohibiting employment practices which, while neutral on their face, work to discriminate against protected classes. While this case involves discrimination based on race, it has important implications for "neutral" practices which discriminate on the basis of sex.

The question before the Court in Griggs was whether an employer is prohibted by Title VII from requiring a high school education or the passing of a standard general intelligence test as a condition of employment or transfer of jobs when a) neither standard is shown to be significantly related to successful job performance; b) both requirements operate to disqualify Blacks at a substantially higher rate than White applicants, and c) the jobs in question formerly had been filled only by White employees as part of a long-standing practice of giving preference to Whites.

Griggs held that an employment practice which is neutral on its face, such as the requirement of a high school diploma or employment test may still be discriminatory if certain conditions exist: a) that the practice works to exclude members of a protected class; b) is not shown to be job-related; c) prior discrimination existed. In Griggs, since the Black plaintiffs had less educational opportunity than Whites, fewer members had high school diplomas and they did less well on the employment tests. Secondly, the company could not show that a high school diploma was needed to perform the work required. To the contracy, before the rule was instituted, the work was performed satisfactorily by persons without diplomas. Lastly, the company had a prior history of discrimination.

The Court also held that the employer's absence of discriminatory intent does not redeem "employment procedures or testing mechanisms that operate as 'built-in headwinds' for minority groups and are unrelated to measuring job capability."

Albermarle Paper Company v. Moody, U.S. Supreme Court, 10 F E P 1181, June 25, 1975

This is the most recent decision in a nine-year old case that has produced a number of important court rulings on employment discrimination issues. In this latest decision the Supreme Court a) made back pay a right of discrimination victims in all but exceptional circumstances; and b) further tightened the standards an employer must meet in order to use an employment test that disqualifies minorities at a higher rate than it does non-minorities. (See the annotation on Griggs v. Duke Power.)

a) The back pay issue. Title VII states that a court may award back pay to victims of discriminatory practices. It was found that Albermarle had engaged in discriminatory employment practices but had not done so in bad faith. The question before the Court was whether the lack of bad faith is sufficient grounds to deny back pay to the victims. The Supreme Court held that it was not sufficient grounds. Then, in the strongest statement yet on back pay, it set down the general rule that even though the Act makes back pay discretionary, courts must award back pay in all but exceptional cases, once discrimination has been proven.

The Court points out that back pay contributes to two significant purposes of Title VII. One of the purposes is to eliminate all discriminatory practices, whether intentional or not. The threat of back pay awards provides employers with a strong incentive to examine all their employment practices for discrimination, not just those practices they know are discriminatory. The second objective is to compensate victims for losses they suffered because of the discrimination, and the losses are real whether or not the discrimination was based on bad faith. In setting out its general rule, however, the court went far beyond the issue of employer's intent and undercut almost all reasons for denying back pay. It held that since back pay is an important instrument for the elimination of discrimination, it must be awarded in all cases, except where not awarding it would not frustrate the purposes of making the victim whole or inducing employers to clean their own houses. In practical terms this means that once it is proven that discrimination occurred and that the victim suffered losses because of it, little discretion is left to the courts; back pay will be awarded in all but the most unusual cricumstances.

b) The testing issue. In Griggs v. Duke Power, the Court held that an employment test which excessively disqualifies minorities is unacceptable unless the employer proves that the test is job-related.

In Albermarle the Court has increased the burden employers must meet in proving job-relatedness, adopting almost in toto, EEOC's guidelines on test validation.

For example, if an employer wants to use a general intelligence test for all prospective employees, it must validate that test in each of the job classifications used by that employer unless there is no significant difference between classifications. Also they cannot test for qualifications an employee will need five or ten years from now after he or she has been promoted up the line (except where the employer proves that promotions are rapid and almost automatic.) Instead, the only qualifications it can test for are those needed to perform at entry or near entry level positions.

Johnson v. University of Pittsburgh, 5CCH 6 8660, 5 FEP 1182 (W.D. Pa. 1973)

Applying the principles on discrimination developed in race cases, the Court found (on a preliminary motion) that the denial of tenure to a woman professor was based on sex discrimination and was therefore in violation of Title VII. While recognizing that there was no overt evidence of discrimination, the Court found it clearly to be present through circumstantial evidence on: a) the statistical and other evidence of pervasive sex discrimination in the school as a whole; b) the arbitrary manner in which the department made the decision not to grant her tenure.

a) Pervasive discrimination by the school

Plantiff presented statistical evidence on the relative treatment of men and women faculty by the school. Only 5 out of 401 persons in the department were tenured women. Tenured males earned, on the average, over $10,000 a year more than did tenured women. Four times as many women as men were eligible for tenure; yet in the last six years 70 men and only 3 women were granted tenure. The school had a weak affirmative action program and had been censured by HEW for it.

b) Arbitrary manner of decision

Plaintiff also showed that the department had not followed its own procedures in passing on her tenure. The school's manual listed a variety of criteria on which the tenure decision is to be based--research and scholarship, effectiveness as a teacher, professional stature, etc. yet the only reason they gave her for their decision was the negative result from an evaluation of four of her classroom lectures.

The Court held that the statistics plus the failure to follow procedures created a prima facie case of discrimination and placed the burden on the department to show why the decision to deny tenure was not discriminatory. The department presented no evidence that the other hiring criteria had been considered or that other compensating factors were involved in their decision. Efforts by the department to collect justifying evidence after a complaint was filed were ruled to be irrelevant. Since the school was unable to overcome the prima facie case, the court held the decision to be discriminatory and in violation of Title VII.

The issue before the Court was not a final determination of the charge, but a request to enjoin the school from terminating plaintiff until the case was finally decided. The Court issued the injunction on the grounds that plaintiff had shown she would likely succeed in the case and that she would suffer irreparable harm to her career and research if she was terminated.

Rackin v. U. of Pennsylvania, 10 F E P 1318 (E.D. Pa. 1974)

This case explores the variety of legal remedies available to women charging sex discrimination by universities. Plaintiff in this case sought relief under Title VII of the 1964 Civil Rights Act, as amended, the Equal Pay Act, Executive Order 11246, and several of the post-Civil War civil rights statutes.

Plaintiff was denied tenure by the University under circumstances the court found deviating from the normal procedures. The history of the alleged discriminatory acts covered a 3 year period--from 1970 to 1973. Many of the acts occurred prior to March 1972, when the 1972 Title VII amendment--bringing educational institutions under the coverage of Title VII--became effective. Therefore, plaintiff's first effort was to show a) that Title VII amendments should be applied retroactively and b) that other statutes provide jurisdiction for her action against the University. The decision here was on these important jurisdictional questions, and did not go to the substance of her discrimination charge.

a) Title VII. The Court found that the plaintiff was denied tenure before 1972, but that she is still experiencing the effects of that decision, affecting her pay and her ability to teach in the area of her scholarly pursuits. Since under Title VII, a court may grant relief to remedy the present and continuing effects of discrimination which occurred prior to the date of the Act, the court held that it had jurisdiction under Title VII to consider the pre-1972 actions against her.

b) 42 USC 1981. 1981 is one of the post Civil War civil rights statutes, enacted to give Federal Courts jurisdiction in cases involving violation of the 14th Amendment. The statute forbids denial of equal protection or due process by persons acting under the color of state law. (While originally designed to deal with race, the courts have been willing to apply it in cases involving other forms of discrimination as well.) The question before this Court was whether the University s actions against plaintiff constituted sufficient "state action" to bring it under 1981. The court found that even though U. of Pa. is a private school, the "symbiotic relationship" between the school and the state--based on the state's financial support (25% of the school's hard-core budget), state involvement in University decisions, state benefits in terms of taxes, public buildings, etc.--was sufficient to bring the University under the Statute and that the showing of a "direct nexus" between school and state was not necessary. This decision and ones in similar cases provide an avenue other than Title VII for attacking sex discrimination by certain private but state-related universities, an avenue that avoids some of the procedural and time restrictions that accompany Title VII.

c) 42 USC 1985. This statute prohibits conspiracies to deprive persons of their civil rights. The Court held that plaintiff should be allowed to produce evidence to show a conspiracy between two or more persons existed within the University, as long as the conspiracy was wider than one department of the school.

d) Equal Pay Act. Plaintiff alleged that she was paid less than were males of similar qualifications and experience, in violation of the Equal Pay Act. The University claimed that the differences were a function of the quality of production of the different professors, that it paid on the basis of the quality of the work--one of the specific exceptions to the Act. It is still an outstanding question as to whether that exception applies to professors in structured rankings. The Court reserved judgement on the issue.

e) Executive Order 11246. Plaintiff charged that the University had violated the affirmative action obligations required of federal contractors, and that she had a private right of action based on that violation. The Court held that while the violation may have occurred, resulting in injury to plaintiff, OFCC has sole responsibility for enforcing it and 11246 did not contemplate a private cause of action.

In summary, Ms. Rackin sought to use a variety of legal remedies to assert her claims, bringing into the area of sex discrimination many of the weapons used in the area of racial discrimination. The case provides a good indication of the alternative approaches available to women asserting sex discrimination charges, and some preliminary decisions.

Faro v. New York University, 8 F E P 319 (1973 USD NY). Affirmed 8 FEP (609 (2nd Cir 1974)

The case was decided against the plaintiff based almost completely on the facts--that there was almost no evidence to support plaintiff's claim that she was denied tenure because of sex discrimination. But in affirming the District Court's findings, a U.S. Circuit Court set down strong cautions against judicial involvement in faculty appointments.

Plaintiff was hired for a research position in the N.Y.U. School of Medicine. The court frequently emphasized that the position was out of the line of tenure, with no promise of tenure at any point. When the funding for the project ended, the school offered plaintiff a variety of positions, none tenured. Plaintiff refused them all demanding a tenured position that would permit her to continue her research. When her demand was refused, she filed a sex discrimination charge against the University.

The court found no basis for the discrimination charge. It held that plaintiff was never promised a tenured position, did not qualify for one, and was clearly less qualified than men who were given tenure at the same time. In passing, the court noted that the school had an excellent affirmative action record, with a higher percentage of tenured women than were present in the availability pool (see discussion on Availability).

The Court of Appeals affirmed the decision by the District Court, finding that the facts clearly supported the conclusion that discrimination was not a factor in the school's action. It went on, however, to set down some general concerns about the proper judicial role in faculty hiring decisions, which, if followed, promise to make the successful litigation of university discrimination cases much more difficult.

The Court stated:

> "Of all fields, which the federal courts should hesitate to invade and take over, education and faculty appointments at a University level are probably the least suited for federal court supervision." (at p. 610)

Chance v. Board of Examiners, 458 F. 2d 1167 (2d Cir. 1973) (The case was decided by the U.S. District Court 330 F. Supp. 203 and affirmed by the U.S. Court of Appeals. The annotation below is of the decision by the Court of Appeals).

In this case, the Court applied the restrictions that have been developed around the use of employment tests in an educational setting. It found that a competitive exam used to qualify persons for supervisory positions in the New York City School system unlawfully discriminated against Blacks and Puerto Ricans in violation of their 14th Amendment rights.

Persons seeking to become principals or assistant principals in the New York City School system were judged on three criteria: their educational background, their experience, and their performance on a test prepared by the Board of Examiners. Failure to pass the exam disqualified them absolutely for supervisory positions, even if they qualified on the educational and experience criteria. A group of Black and Puerto Rican teachers who met the educational and experience qualifications, but who had failed the test several times, attacked the test on the grounds that a) it discriminated against minorities, and b) it was not job-related and therefore wholly irrelevant to the achievement of a valid state objective. (The suit was brought under the 14th Amendment and the post-Civil War Civil Rights laws, since Title VII did not apply to city governments at the time the suit was filed.)

The court found that White teachers passed the exams (there were different ones for different positions) at 1½ times the rate of Blacks and Puerto Ricans. In the exam for assistant principal, the passage rate for White teachers was twice the rate for Blacks and Puerto Ricans. The court found this latter figure particularly persuasive since the job of assistant principal was the entry point for most supervisory positions. Failure on this exam was tantamount to an absolute barrier to any other supervisory position. Plaintiff also showed that cities not using examinations had a much higher percentage of Blacks and Puerto Ricans in supervisory positions.

Under the principles established in Griggs, once a plaintiff had shown that an examination disqualifies a larger percentage of minorities, the burden falls on the defendant to show that the test is job-related--that it measures qualifications essential to job performance. The court found that the Board of Examiners was unable to prove the examination was job-related.

Since the test discriminated against a protected minority and had no reasonable relationship to a valid state objective, it was found to be in violation of the 14th Amendment. The Court enjoined the use of the test. It also forbade defendants from using existing lists of persons eligible for supervisory positions, since those lists were developed on the basis of the outlawed tests. The Board was ordered to use acting supervisors until it developed a new method for qualifying supervisors. The Board ultimately dropped the test and limited the criteria to education and experience. (A subsequent on-the-job evaluation of supervisors hired through this process indicated that there was no difference in performance between supervisors who passed the examination and those failed it.)

Brennan v. Board of Education, Jersey City, New Jersey, 9 FEP 951, 1974

The Board of Education of Jersey City had two classifications of custodians, men custodians and women custodians, with the men being paid at least $200 a year more than the women. In an action brought by the Department of Labor, the Court found that the Board's classifications violated the Equal Pay Act.

The Board acknowledged the pay differential but argued that a) the Board was not covered by the Equal Pay Act; b) that the work done by the men was different from that done by the women, e.g., men custodians spent some of their time shoveling snow and cutting grass, while women did not; c) that the State Civil Service Commission had accepted the distinction and; d) that it had been agreed to in the collective bargaining agreement between the Board and the union.

In rejecting all of these arguments, the Court set out some of the basic principles governing the Equal Pay Act. First, the Act does cover educational institutions. Secondly, acceptance by the State Commission was irrelevant; even if the pay differential was based on a state law it would not be a valid defense to violation of the Equal Pay Act. Nor is a collective bargaining agreement a valid excuse.

The main issue in the case was whether the differences in the work required of men and women custodians was sufficient to constitute a factor "other than sex", and thereby justify the pay differentials. The Court found that men's special tasks such as grass-cutting and snow-removal were only done occasionally. It held that when the Equal Pay Act refers to equal work it does not mean identical work but only that the jobs "must be substantially equal." Different tasks which are only incidental and occasional would not justify a wage differential.

Also, while the men may have done some heavier work, that alone does not justify higher wages. "Jobs may require equal effort in their performance even though the effort may be exerted in different ways in the two jobs."

Also while some of the men custodians occasionally did heavier work, not all of them did; yet the men who did the heavier work did not get paid more than the men who did not.

With the greatest emphasis on the fact that only minor differences had existed between the work required, the Court found the Board's wage classification to be in violation of the Equal Pay Act; it enjoined the Board from continuing the policy and ordered back pay with interest to the women custodians.

Adams v. Richardson

This case involved three separate court decisions: Findings of fact by the District Court, (351 F. Supp. 636 1972 D.C.D.C.); award of declaratory and injunctive relief by the District Court, (356 F. Supp. 92 1973 D.C.D.C.); and review by the Court of Appeals which affirmed, with minor modifications, the ruling by the District Court, (480 F.2d 1159 1973 C.A.D.C.). The annotation below covers all three decisions.

A group of Black students, citizens, and taxpayers sued HEW, alleging that it had been derelict in its duty to enforce Title VI of the Civil Rights Act of 1964 because it had not taken appropriate action to end segregation in public educational institutions receiving federal funds. (Title VI says that there shall be no discrimination based on race, color, or national origin under any program or activity receiving federal financial assistance. OCR in HEW was responsible for insuring nondiscrimination in educational institutions receiving federal funds.) The Court found for the plaintiffs and ordered HEW to immediately begin enforcement proceedings against school districts and systems that were out of compliance and to report to the Court the progress of such proceedings on a regular basis.

HEW's first argument was that its activities under Title VI were discretionary, and therefore not susceptible to judicial review. The Court found that the Act set forth specific enforcement procedures and HEW's adherence to such procedures was reviewable. The suit did not ask the Court to substitute its judgement for that of HEW and cut off funding to the schools; rather it charged that HEW had abdicated its statutory duties to carry out the procedures established under the Act and asked that HEW be ordered to carry out its responsiblities. Therefore, the Court ruled, "ordering HEW to commence enforcement proceedings is not only appropriate, but required by the statute."

The Court also emphasized that this was not a case of an agency lacking the resources to prosecute all violations of law brought to its attention, a situation in which court review is inappropriate. "HEW is affirmatively continuing to channel funds to defaulting schools," which imposes an affirmative enforcement duty.

The plaintiffs produced evidence showing that HEW had failed to enforce desegregation in areas of higher education, public schools, vocational schools, and enforcement of court-ordered desegregation. For example, in 1969, HEW asked states to submit plans for desegregating state higher education systems, informing them that enforcement procedures would commence within 120 days if acceptable plans were not submitted. Five states failed to submit any plans and five more submitted unacceptable ones. Yet by 1973, HEW had undertaken no action to initiate enforcement proceedings. Seventy-four elementary and secondary school districts had been out of compliance for over a year without HEW initiating any compliance proceeding. The parties out of compliance all continued to receive federal funds.

HEW acknowledged these facts but argued that Title VI gave it the discretion to pursue voluntary compliance and that it was still seeking voluntary agreements with all the parties involved. The Court ruled, however, that "Having determined states to be in violation of Title VI and having failed during substantial periods of time to achieve voluntary compliance, HEW has a duty to commence enforcement proceedings." Failure to commence enforcement proceedings while continuing to provide financial assistance to the segregated systems "violates the rights of plaintiffs," and must be enjoined.

The Court ordered HEW to commence enforcement proceedings against the elementary and secondary school districts within 60 days and against the higher education systems within 150 days (because of the complexity of the higher education situation). It also ordered HEW to commence action in regard to the vocational schools and in other areas raised by the suit. HEW was required to report back to the Court within specified periods of time on the actions it had taken to carry out the Court's orders.

The decision indicated that HEW will not be held responsible for failure to comply with the order if the resources needed to do so are not made available. HEW will be held only to the standard of demonstrating a good faith performance to carry out the order within the staff resources made available to it.

Consent Decree between EEOC, Department of Labor, and American Telephone and Telegraph Company, January 18, 1973. (Reported in FEP Manual 431.73).

EEOC and the Department of Labor filed a complaint in District Court charging AT&T with violation of the rights of minorities and women under Title VII, Executive Order 11246, and the Equal Pay Act. The agencies and AT&T entered into a consent decree which settled the complaint. The settlement required AT&T to spend approximately $30 million in back pay awards and to undertake other remedial actions to eliminate past discriminatory practices. A subsequent action, brought in 1975, charging AT&T with failure to comply with portions of the settlement, cost the company an additional $2 million. The relevant portions of the settlement agreements are summarized below:

AT&T was required to establish a new system for setting up wage increases to promoted employees since the former system discriminated, particularly against women. Women who were promoted under the former wage system were entitled to two years' back pay for the amount they would have received had the new system been in effect at the time they were promoted.

Because of the charges that AT&T discriminated in promotions against women and minorities, the company was required to make lump-sum payments to women and minority employees who were likely to have been promoted had the discriminatory practices not been in existence. The company was also required to give priority in promotion to women and minorities in those areas of employment where charges of discrimination had been made.

Women college graduate employees who were not put into the equivalent level management positions were to be interviewed to see if they desired such management positions; if they did, they were to be made candidates for such positions as vacancies occurred.

AT&T was also required to adopt model affirmative action plans covering hiring, promotion, upgrading, transfer, job briefs, and job qualifications. Under the AAP's, the company must set goals and timetables to promote "full utilization of minorities and women at all levels of management and nonmanagement and by job classifications, at a pace beyond that which would occur normally." This includes: review of all job briefs to see if existing qualifications disproportionately affect women or minorities and are not job-related; the reclassification of all job descriptions into fifteen major categories with new salary ranges set for each classification. (This was designed to correct AT&T's practice of establishing numerous classifications, even though many involved the same kind of work, and then putting women into the lower-paying classifications.) The AAP's also required the company to engage in extensive outreach efforts to attract minorities and women, to put women and minorities in the personnel office, and to conduct special studies to adapt positions to improve the opportunity for women seeking to enter those job areas.

XII. RECOMMENDATIONS

XII. RECOMMENDATIONS

Throughout this report, an effort has been made to draw attention to areas that require further research, where action programs are indicated, and where data are inadequate to permit analysis of problems faced by women employed by educational institutions. In this section, these needs have been assembled as a set of recommendations for consideration by the Council. The recommendations have purposely been phrased in a directive manner in order to bring the issues with which they are concerned into the clearest possible focus.

To facilitate the Council's deliberations, the recommendations have been divided into two groups. In the first group are recommendations for research to close gaps in the data and to provide analyses of issues and problems that have a direct bearing on the employment of women in educational institutions. For these concerns, the necessary documentation is not at present available, or existing studies lack depth.

The research suggested here is designed so that the results of the studies can be converted into action programs intended to impact educational institutions. In addition, they are designed to help both women and educational decision-makers to better understand the potential for change in their environment.

The studies and data collection suggested here place primary emphasis on the needs and problems of women employed by elementary and secondary schools. While the problems of women in postsecondary education should not be overlooked, it is at the elementary and secondary levels that the majority of women in education are employed and where the lack of adequate data and analyses is most pronounced.

The second group of recommendations relate to specific and necessary action programs that were suggested by the study. These recommendations could be extended almost endlessly; but by design, they have been limited to those which were regarded as both essential and feasible. To facilitate the Council's deliberations, the recommendations have been organized on the basis of the group to which they are addressed: e.g., the Council, the Congress, federal agencies, colleges and universities. Although we realize that the Council by itself cannot mandate the implementation of the recommendations, the broad sweep of this study virtually dictates such a multi-level approach. Only through such a concerted and integrated effort can sex discrimination in the employment of women by educational agencies and institutions be eliminated.

PART 1: RESEARCH RECOMMENDATIONS

A. PRIORITY AREAS FOR RESEARCH

1. Affirmative Action

a. A full-scale study of affirmative action requirements in relation to educational institutions, and problems associated with their enforcement, should be undertaken at the earliest possible moment in order to dispel the confusion that now surrounds them.

Affirmative action is, no doubt, the most controversial and volatile area that relates to the employment of women and minorities by educational institutions. In order to deal effectively with the problems of sex discriminatory employment practices, it is essential that all aspects of the affirmative action program, including the guidelines and regulations, the complaints of the women and of educational institutions, as well as current enforcement efforts be subjected to rigorous analysis. Since a discussion of affirmative action was not stipulated in the contract, the subject could not be included in this report.

2. Institutional Practices

a. There is a need to explore in greater depth the salary differentials between men and women teachers and the reasons for them.

Although differentials in salaries between men and women teachers exist, the reasons for this cannot be adequately explained by the data presently available. Such data should be gathered by racial/ethnic group, by sex, by age, by type of school district. Analysis should focus on specific types of discriminatory practice, such as differentials in pay for extracurricular activities, differentials in credit for prior experience by sex given to men and women entering or returning to employment in educational institutions, differentials in summer school employment by sex and by race. Although salary schedules are included in negotiated contracts, there is reason to believe that these schedules do not prevent inequities.

b. Much additional data are required to document the nature of promotional practices in elementary and secondary schools that discriminate against women.

Elementary and secondary school systems maintain that the reason that more women are not promoted to administrative positions is the lack of qualified women, lack of women's ability, and lack of interest in these positions on the part of women. The data in this report do not support these conclusions. Further research is needed to document the issue.

c. Data are needed on how women and men employed by educational institutions are differentially treated with regard to life insurance, pensions, and health benefits.

At the present time, aside from some information on maternity benefits at the elementary and secondary levels, and retirement benefits at the postsecondary level, there is virtually no information on fringe benefits in educational institutions. Specifically, there is a need for studies of health coverage, including but not limited to maternity benefits; of life insurance; and, at the elementary and secondary levels, of the array of retirement programs. These studies should do more than merely describe the programs; they should show precisely the differences in coverage and benefits between women and men. On the basis of this study, regulations should be issued by the enforcement agencies to eliminate differences in coverage or benefits for women and men faculty members and their families.

d. Major studies to explore in depth the range of hiring and promotional practices that have a negative affect on women in postsecondary education should be undertaken. These studies should focus on both the formal and informal practices that characterize hiring and promotion in educational institutions.

> Specifically, studies are needed by discipline and school in the following areas: a) the "old boy" system; b) discriminatory practices by hiring agents; c) relevance of criteria used for hiring and promotion; d) extent and effect of inbreeding policies on women who have graduated from colleges and universities where their husbands are employed; e) the extent and impact of anti-nepotism rules, whether written or unwritten; f) the validity of productivity as a criterion for promotion. While there are many charges and countercharges, there is little hard data on any of these subjects.
>
> Additionally, it is important to establish the extent to which the Ph.D. is required by postsecondary institutions and whether or not it is indeed a BFOQ (bona fide occupational qualification) for all faculty positions and at all schools. To permit the special circumstances of certain departments and positions in elite universities to determine the definition of availability for all institutions and all positions is to establish standards that are detrimental to the needs of qualified women seeking employment in postsecondary educational institutions, as well as being inappropriate to the employment needs of all institutions. Furthermore, to restrict the search for qualified candidates to women who possess a Ph.D., is to hold women to a higher standard than is applied by the educational institutions in their other hiring and promotion decisions.

e. Minority women's high concentration in "miscellaneous and otherwise unclassified" specialties in postsecondary education requires further study.

The concentration of minority women in unidentified specialties increases the likelihood that their particular problems will be overlooked in studies of the major fields of specialization. This also increases the likelihood that minority women will not have the opportunity for promotion along the usual career ladders.

3. Women's Employment and Life Patterns

a. Studies of elementary and secondary school teachers and administrators are needed.

(1) With regard to teachers, the research should focus on:

- The effect on women of the projected decrease in the number of teachers that will be needed in the foreseeable future.
- Characteristics of elementary and secondary school teachers by sex, race and grade level.
- Regional and state employment, especially comparing the South, where women are employed in greater numbers than elsewhere, with the West and the North.
- Analysis of the following paradigm: the higher the grade level to which a teacher is assigned, the lower the percentage of women teachers.

(2) With regard to administrators, research should focus on:

- Updating the information base on elementary and secondary school principals to determine why the number of women principals is decreasing.

- The number of men and women certified at the present time for appointment to supervisory positions.

- The number of men and women appointed to supervisory positions without certification.

- Further exploration of the extent to which school superintendents are elected or appointed, the benefits and handicaps to women of each mode of choice, and whether or not more women are seeking positions as school superintendents.

- Women as principals: The Principals Association assembles data on elementary, junior high and senior high principals every ten years. This is too infrequent for adequate studies of trends. Additionally, all data should be gathered by race/by sex and cross-tabulated with other variables. Such studies should encompass a broader base and be widely disseminated.

b. Studies should be undertaken of the changing life and career patterns of teachers to learn how their decisions are made and what influences their decisions; to investigate women's interest in promotions, and the extent to which women teachers move in and out of the labor market.

The data indicate that more women are entering the labor force and remaining in it. Women are marrying later (based on data from U.S. Vital Statistics), having fewer children, and taking less time out of the labor force than ever before. Studies are needed to keep current on these phenomena, particularly as they affect teachers' career patterns, and teachers' interest in moving into school administration at the elementary and secondary levels. Such research is essential not only for women, to strengthen their perceptions of the changing roles available to them, but also for men, who are still the decision-makers, in order to assist them to perceive the changes in the women about whom they are making decisions.

c. Studies are needed of women who enter graduate school but do not complete their doctoral degrees, so that the life patterns of those who cut short graduate studies can be compared with those who complete them, to determine whether differences exist in socio-economic and attitudinal characteristics.

> The emphasis in research on women faculty has focused on women who have received their doctorates. Considerably more data are needed to determine why many women do not complete their doctorates, how many of them remain in academe, the types of positions they achieve, and whether specific assistance would contribute to their completion rates.

d. Much further research is needed to clarify changes (if they exist) in women's attitudes toward other women.

> The research has tended to emphasize the attitudes of women teachers toward women principals, and women's expectations of the performance of other women. Much more sophisticated research is needed to determine whether women's attitudes towards each other are changing.

e. While there are considerable data on faculty, data on administrators in postsecondary institutions are sparse, non-uniform and generally lacking in depth. Research on women administrators and their opportunities for advancement is sorely needed.

f. In-depth studies of the special problems of minority women employed in educational institutions at every level are seriously needed.

Small minority groups have been largely ignored in the collection of data. Information on minorities by sex and by racial/ethnic group is especially weak. Problems of individual groups differ markedly from each other. Furthermore, the combined problem of sex and race is unique and is not equatable to studies of minority men or of White women. There are discrepancies within the sparse data that are available that warrant further research: salaries of Black women educators versus salaries of White women educators; the concentration of minority women in a very few areas or specialties; employment practices as they affect different minority groups. If minority women are included as part of larger studies, those studies should be specifically designed to illuminate their unique problems.

g. To help generate information on sex discrimination in employment practices at educational institutions, the Office of Education might consider a program to support theses and dissertations comparable to that of the Department of Labor in connection with manpower programs and the Administration on the Aging on the elderly.

h. Women faculty in universities who have done such an excellent job in defining the extent of sex discrimination at the postsecondary level could offer their expertise and knowledge to women undertaking similar studies at the elementary and secondary levels.

Local committees on the status of women in education operate for the most part on a temporary, ad hoc basis. In addition, at the elementary and secondary levels, they frequently lack the expertise that is needed to utilize sophisticated techniques to assess discriminatory policies and practices in their school systems. By providing women in elementary and secondary schools with this necessary assistance, women presently employed at the postsecondary level will not only help increase the knowledge-base required to document such policies at the elementary and secondary schools, but could also establish a united movement of women educators. Since the women's groups of the associations of each of the disciplines have taken an active role in such analyses, similar studies could be undertaken for the sciences, the social sciences, etc., at the secondary school level.

i. Further study is warranted on the effect of the "mathematics filter" on women's employment opportunities.

Women are concentrated in the "feminine" fields that are least reliant on mathematics and science. This appears to be a critical factor in limiting women's entry into a broader range of disciplines. There appear to be differences not only by sex, but also by race/ethnicity (e.g., data on Asians). Further study of this phenomenon is warranted in order to broaden women's employment opportunities.

j. Better data on teachers of prekindergarten, adult education, and continuing education should be collected. Additional data on vocational education teachers at secondary, postsecondary, and adult education levels are also needed.

> Little is known of the professional status of teachers in these fields, much less of their race or sex. To overcome this gap, studies are needed of the characteristics of the faculty, hiring and promotional practices, and all other aspects of these expanding and important fields to determine if women employed therein are receiving just and equitable treatment. In order to facilitate the collection of data and assure their comparability, consistent operational definitions for these fields should be established.

PART 2: ACTION RECOMMENDATIONS

A. LEGISLATION

1. Title IX of the Education Amendments of 1972 should be amended to require affirmative action plans from those educational institutions that are not covered by the Executive Order.

   The data on the number of women available for principals and administrators of elementary and secondary schools compared to the number actually employed make a clear case of underutilization of women at that level. Affirmative action is the most appropriate method for establishing goals and timetables for correcting the problem; presently, no affirmative action requirements are imposed on most elementary and secondary schools. An amendment to Title IX would be the most appropriate way to fill this gap in the federal enforcement effort.

2. Administrative agencies should be provided with more flexible and graduated sanctions to enforce compliance with the Executive Order and Title IX.

   The only sanction presently available under Title IX and the Executive Order is the power to suspend, terminate or refuse to provide federal financial support to non-complying institutions. The sanction is so severe that federal officials have been reluctant to use it, particlarly as the first sanction. Lacking lesser or progressive sanctions, no sanctions have been applied.

   The alternative to the present non-utilization of sanctions is to provide the administrative agencies with a variety of alternative sanctions of graduated severity and to compel their use. Examples might include a six-month period for an institution to come into compliance; or denial of new funding to a department of an educational institution until the department is in compliance, with the entire institution being given a year to come into compliance, etc.

3. Aggrieved private parties should be given the right to sue educational institutions for violation of the requirements of Title IX and the Executive Order. Since plaintiffs would be suing on behalf of the public interest, as "private Attorneys General," the right to attorney fees should be provided to successful plaintiffs in the same manner as is now available in Title VII law suits.

   The private right to file suit provided under Title VII has proven to be among the most effective mechanisms for combating discrimination. A similar right under Title IX and the Executive Order would provide an alternative to administrative enforcement of Title IX and the Executive Order. If the administrative system fails to compel compliance with the requirements of those Acts and Orders, the complainant would then have the right to sue.

4. Civil rights enforcement agencies should be provided with the financial and staff resources they require to enforce effectively the rights given to women employees of educational institutions by Title IX and the Executive Order. Sufficient funds should also be made available to assist educational institutions to comply with the requirements of Title IX.

   The enforcement agencies have had difficulty carrying out their responsibilities under the Executive Order and there is little reason to believe that the record will improve under Title IX. Court action such as Adams v. Richardson and the case presently in court on behalf of women educational employees (WEAL v. Weinburger) can only be enforced if the agencies have the staff and resources to carry out their responsibilities.

   Even assuming the good-faith desire of educational institutions to comply with Title IX, the effort will be complex and costly. Funds should be made available to assist in this process and used for the development of exemplary programs, research and development, and the dissemination of findings for replication.

B. FEDERAL AGENCIES

1. Advisory Council

a. The Advisory Council on Women's Educational Programs should recommend establishment of a Task Force to develop detailed and definitive recommendations for guidelines for determining availability of women for positions in elementary and secondary educational institutions.

Under present legislation, guidance on determining availability is vague, and has been a continuing source of contention and confusion at the postsecondary level. As Title IX moves into the enforcement stage, there is a pressing need for a detailed and definitive statement on availability that can be translated into specific guidelines in order to facilitate enforcement.

b. The Council could assume a leadership role in delineating the issues regarding equity in retirement plans to resolve the problem of women receiving lower retirement benefits than men.

Retirement plans are currently under study by a Presidential Task Force that is to conclude its work by April 15, 1976. This Task Force has delayed its decision in the past; in the meantime conflicting regulations preserve a double standard on sex in computing retirement benefits.

c. The Council should encourage private foundations to support public interest organizations devoted to the protection and enforcement of women's employment rights.

> Women's organizations have played a role on behalf of victims of sex discrimination. Their efforts in the courts and in testimony before Congress and HEW have been extremely effective in protecting women's rights to be free of discriminatory employment practices in educational institutions. It would be appropriate to encourage private sources of funding to support and expand the activities of these women's groups.

2. Department of Health, Education, and Welfare and the Office of Education

a. The Office of Education should exercise careful oversight to assure that the enforcement agencies are carrying out their responsibilities on behalf of women, under the Executive Order and Title IX.

> Although Congress and the Executive Department have the responsibility to assure compliance by educational institutions with the laws, regulations, and guidelines, effective monitoring by an agency committed to equity in the employment of women by these institutions is necessary to assure that the purposes of the legislation are enforced. The Advisory Council and its staff are in a strategic position to exercise this function.

b. The Department of Health, Education, and Welfare, the Office of Education, and the National Institute of Education should become exemplary agencies by establishing employment standards which educational institutions might emulate. The Intergovernmental Personnel Act could be utilized to bring women from elementary, secondary, and postsecondary schools into NIE and OE national and regional offices in order that both the women and HEW might benefit from the experience.

c. Women should be equitably represented on all policymaking committees, so that issues of particular interest to women and girls may be identified and given due consideration.

Women on policymaking committees are notable mainly for their absence. Therefore:

- Unfilled positions on Task Forces, Advisory Committees, etc., should be promptly filled by qualified women.
- More women should be asked to serve on panels that review grant applications and that make recommendations for the funding of projects. Each agency awarding research and/or demonstration funds in HEW should report the sex of the members of its panels.
- State Advisory Councils should endeavor to increase the number and percentages of women members so as to better respond to the needs of women. Appropriate methods should be devised to assure that data are collected by sex and race/ethnicity on the composition of the State Councils and made public.
- At the local level, the National Education Association, Committees on the Status of Women in Education, and other interested organizations should be encouraged to act as advocates to assure that women are requested to serve on school boards and committees.

d. Information should be collected and disseminated on court rulings affecting women in educational institutions, particularly on maternity leave and other fringe benefits affecting pregnancy, and to secure information to determine whether the institutions are in compliance with the court decisions.

The issue of pregnancy as a temporary disability is now before the Supreme Court. Once the highest court issues its decision, a major campaign should be initiated to inform educational personnel of their rights on fringe benefits and to collect information on compliance, as set forth above.

e. A permanent ERIC clearinghouse could be established to compile and make available studies on issues affecting women in education.

School systems, colleges and universities, governmental agencies, women's groups, etc., need access to a bank of information to delineate problems and seek solutions. At the present time, HEW has no resources to provide such assistance. Although the Advisory Council on Women's Educational Programs has indicated that it plans to fund a clearinghouse, if it were incorporated into ERIC, it could be established as part of an ongoing and comprehensive system.

f. The Women's Program Staff in OE has a unique role to play in the implementation of Title IX; its staff should be expanded and more funds should be made available to enable it to carry out its charge.

g. Educational and employment data from educational institutions and agencies should be collected by race/by sex.

> At the present time, data by race is frequently not collected. This lack makes it virtually impossible to pinpoint with the necessary precision the extent to which specific practices discriminate against minority women and to formulate appropriate strategies to overcome them.

h. Financial aid is needed to encourage all minority women and particularly Spanish and American Indian women to enter education at all levels.

> Special effort should be made to insure that scholarships and other aids available to the disadvantaged are available to all minority groups, particularly to Spanish and Indian women, to increase their participation in education at every level. Expansion of these groups is essential to provide teachers to institute bilingual/bicultural programs for Spanish and Indian non-English-speaking children.
>
> Special efforts are also needed to prepare American Indians as educators in history, sociology, anthropology, art, and music, which would enrich American understanding of our hereditary culture. At present, the US Census reports no Indian man or woman in these specialties teaching anywhere in American colleges or universities.

i. Methods should be developed to award temporary certification to minority immigrants to this country who were trained as teachers in their native land, and to provide credit for their experience while teaching abroad.

The need for teachers in bilingual/bicultural education is very great, yet there are many qualified women who cannot teach because they are not certified. As one example: Filipinos have the highest percentage of educated women of any group in the population, yet their employment in education is very low. A policy to provide them with temporary certification would improve their participation by facilitating their entry into the educational professions in this country.

j. Special efforts should be made to continue colleges for women through financial assistance, research grants and other support.

These colleges provide an element of diversity among institutions of higher education and an additional option for women students. An unusually high proportion of women leaders are graduates of these colleges.

3. Enforcement Agencies

a. The data on the hiring of elementary and secondary school principals and administrators appear to present a prima facie case of sex discrimination. The enforcement agencies should initiate an investigation in order to determine whether an "industry-wide pattern of discrimination" exists in elementary and secondary school systems and, if this is confirmed, take action to overcome it.

The data in this report show that a large percentage of persons qualified for jobs as principals and administrators are women; yet the number of women being hired for such jobs, or jobs that are likely to lead to positions having policy impact, is very low and is probably decreasing. There is a need for an investigation to determine whether the resulting facts and data argue for prosecution in the courts under Title VII, Title IX, and the Executive Order.

b. Enforcement agencies should require that the administrators of postsecondary institutions assume the responsibility to establish specific performance criteria for the hiring and promotion of faculty by their component schools and departments. If unique qualities are required for a specific position, these requirements should be spelled out in the performance criteria prior to the start of the search for candidates to fill the position. All schools and departments of the college or university should be required to adhere to these policies.

Court cases and guidelines require all other employers to establish objective criteria to be used in evaluating applicants for a job. The same requirements can be established for postsecondary institutions. Only by comparing such criteria to the qualifications of the person hired, promoted, or rejected, can a federal agency or court determine if discriminatory considerations entered into the decision. Setting out such criteria does not have to pose a threat to academic freedom; rather it helps to rationalize the academic hiring process.

C. EDUCATIONAL INSTITUTIONS

1. All Educational Institutions

a. To secure equity in employment for women in the educational field, there should be a major effort to equalize salaries in every job category.

As several educational institutions and industries have already done, funds should be set aside by all educational institutions for payment of back wages to each woman employee who has lost wages due to discriminatory treatment, and these payments should be retroactive to October 13, 1968, the date that Executive Order 11246 covered women in educational institutions. Some recommendations to achieve these goals are:

- Salary levels and criteria by which they are determined should be established by each educational institution and widely circulated to all departments.
- If there are discrepancies in salary between men and women with the same amount of education and experience, they should be justified in writing.
- Equal credit should be given to men and women for socially valued but not necessarily academically-related experience. If men receive credit for time lost due to military service, women should receive credit for time lost due to childbearing and childrearing.
- If extracurricular duties are to be rewarded with extra compensation, women should be paid as much as men for similar duties. Additionally, women's pay should reflect experience acquired prior to leaving the labor force for childbearing and childrearing.

b. Women should have reinstatement rights for up to two years after the birth of a child. Where a man assumes full responsibility for childrearing, he should have the same rights. Reinstatement rights should include no loss of seniority or any other emoluments.

c. Educational institutions should either develop child care centers for their faculty and students or actively participate in their development with other community groups.

> Such centers need not be free; a sliding fee scale can be established. But institutions should help defray part of the cost, particularly at start-up, and that part of the fee that their lower-salaried staffs cannot afford. Since new amendments to the tax laws provide a deduction for child care, it should be easier than formerly for women to bear the expenses.

2. Colleges and Universities

a. Institutions of higher education, in making promotion decisions, should consider the distribution of men and women on their faculties by degree and by years of experience, whether or not that experience was gained at the institution that presently employs them.

> An analysis of such data is essential to determine whether discriminatory patterns in faculty promotions exist. In terms of immediate corrective action, such data are more enlightening than data on the number of faculty by sex at each position, since they can identify women who are qualified for promotion, but who have remained in the same rank for longer periods of time than men with similar qualifications.

b. Part-time faculty should be considered for tenure on the same basis as full-time faculty. Furthermore, part-time faculty should be paid at a rate equal to that of full-time faculty and receive their proportional share of emoluments, including fringe benefits, sabbaticals, support for research, etc.

> The present system of awarding tenure favors full-time faculty. This discriminates against women, inasmuch as many of them are hired for part-time positions, or can only accept such positions because of domestic and childrearing responsibilities. Until these responsibilities are shared equally by both parents, women should not be penalized for fulfilling their socially assigned role.
>
> In awarding tenure to part-time faculty, post-secondary educational institutions should give serious consideration to the model developed by Sheila Tobias, which divides part-timers into three groups--Moonlighters, Twilighters, and Sunlighters. She recommends the following:
>
> "Moonlighters": Persons employed elsewhere who merely teach one course at a University; no fringe benefits; no tenure or sabbatical accrual; no advisees or committee work; no departmental vote.
>
> "Twilighters": Persons not otherwise employed, but whom the department does not choose to give a regular part-time faculty position. No departmental vote. Twilighters will get pro-rated fringe benefits, however.
>
> "Sunlighters": Regular faculty appointments, alike in every way except the amount of time worked. Pro-rated fringes, committee assignments, advisees, tenure and sabbatical accrual. Opportunity to negotiate for full-time appointments.

c. Since decisions on tenure are generally made during the six to seven year period following acquisition of the Ph.D., there should be an automatic extension of the decision on tenure for all women faculty for one year for a pregnancy (up to two pregnancies) that occur during those non-tenured years.

d. Faculty levels in the so-called "feminine fields" should be upgraded to make them comparable to other departments.

The data show that the percentage of full professors and associate professors in the departments where most of the faculty are women, is much lower than in all other departments.

Educational institutions should up-grade those "feminine" departments so that the percentage of high ranking faculty is the same as in other departments.

Furthermore, if educational institutions "defeminize" certain fields, this should be paralleled by equivalent efforts to "demasculinize" other fields. This will not only permit women to enter occupational areas from which they have been traditionally excluded, but will also encourage men to enter fields that have been traditionally viewed as "women's fields." This will eventually contribute to the equalization of salaries, since fields that employ mainly men invariably pay better than fields that employ mainly women.

3. Elementary and Secondary School Systems

a. Schools share with the family the responsibility for the socialization of children. If sex stereotypes are to be changed, and women are to develop a self-image leading to wider career choices and the opportunity for career advancement, the schools are in a strategic position to make a major contribution to the achievement of that goal.

The schools can begin by:

- Providing opportunities for promotion of women into supervisory positions.
- Training and sensitizing their own personnel so they assist children, whether girls or boys, to develop new images of the career roles and life patterns of men and women.
- Developing special programs both for the staff and the students that will enable them to evaluate women as well as men in other than their traditional roles.

b. School systems should standardize and publish all job vacancies, as well as proposed and probable vacancies for the next school year, well in advance of the deadline for filing for them. Job opportunities for teaching summer school should be widely publicized and special efforts made to recruit women and minorities presently on the staff for these employment opportunities.

A simple way of assuring that potential candidates are made aware of these employment opportunities is by placing a notice in their pay envelopes.

c. Special programs are needed to help women move into administrative positions of elementary and secondary school systems at an accelerated pace.

The Rockefeller Foundation has had a successful program to place minorities in large school systems in order to prepare them for administrative positions. A similar program should be undertaken for women. Internship programs, similar to those now underway at the post-secondary level, could be adapted to the elementary and secondary levels.

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